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JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

JOURNAL

OF THE

FOURTH SESSION

OF THE

LEGISLATURE

OF THE

STATE OF CALIFORNIA,

BEGUN

ON THE THIRD DAY OF JANUARY, 1853, AND ENDED ON THE NINETEENTH DAY OF MAY, 1853, AT THE CITIES OF VALLEJO AND BENICIA.

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1853.

JOURNAL OF THE SENATE.

SENATE OF CALIFORNIA.

FOURTH SESSION.

IN SENATE.

SENATE CHAMBER, CITY OF VALLEJO,
Monday, January 3, 1853.

Pursuant to the provisions of the Constitution, the Senate of the State of California, this day, assembled at 12, M., and was called to order by Hon. Samuel Purdy, President.

The Rev. Mr. Woodbridge, at the request of the President, opened the session with prayer.

By direction of the President, the former Secretary, A. C. Bradford, proceeded to call the names of the members of the last Senate holding over, and the following gentlemen answered to their names—

Messrs. De la Guerra, Foster, Hubbs, Keene, Lind, Lott, McKibben, Ralston and Roach.

The vacant districts were then called, when the following Senators answered to their names.

1st District, San Diego—D. B. Kurtz.
6th District, San Francisco—John S. Hager.
9th District, Tuolumne—James W. Coffroth.
11th District, Sacramento—A. P. Catlin.
13th District, Placer—Joseph Walkup.
14th District, Sutter—Samuel B. Smith.
16th District, Nevada—Wm. H. Lyons.

To whom the oath of office was administered by Hon. E. W. McKinstry, District Judge, seventh district.

When the 10th District was called, at the request of Mr. Hubbs, it was passed over for the present.

On motion of Mr. Keene, the Senate adjourned to 12 o'clock, Tuesday.

IN SENATE.

TUESDAY, January 4, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Hon. J. W. Denver, Senator from Trinity and Klamath, and the Hon. James M. Estill, Senator from Solano and Napa, appeared and took their seats.

The vacant districts were again called by order of the President, and the following Senators answered to their names—

5th District, Santa Clara and Contra Costa—Jacob Gruwell.
6th District, San Francisco—J. H. Baird.
7th District, San Joaquin—Henry A. Crabb.

To whom the oath of office was administered by the President of the Senate. Some doubt, however, existing as to the power of the President to administer the oath, they were again sworn in by the Hon. E. W. McKinstry, District Judge.

Mr. Lott, moved that the Senate proceed to the election of officers.

Agreed to.

Mr. Lind nominated for Secretary of the Senate, A. C. Bradford, and on the roll being called, Mr. Bradford received twenty-one votes and was declared duly elected.

Messrs. Baird, Catlin, Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Bradford.

Mr. Lott nominated for Assistant Secretary, John S. Love, who received, upon the calling of the roll, twenty-one votes, and was declared duly elected.

Messrs. Baird, Catlin, Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Love.

Mr. McKibben nominated for Enrolling Clerk, Mr. James L. Trask, who received, on the calling of the roll, twenty one votes, and was declared duly elected.

Messrs. Baird, Catlin, Crabb, Coffroth, Denver, De la Guerra, Estill,

Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Trask.

Mr. Roach nominated for Engrossing Clerk, Mr. Wm. G. Marcy, who received, on the calling of the roll, twenty-one votes, and was declared duly elected.

Messrs. Baird, Catlin, Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Marcy.

Mr. Estill nominated for Sergeant-at-Arms, Mr. G. W. Tenbroeck, who received, on the calling of the roll, twenty-one votes, and was declared duly elected.

Messrs. Baird, Catlin, Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Tenbroeck.

Mr. Coffroth nominated for Door-Keeper, Mr. E. C. Dowdigan, who received on the calling of the roll, twenty votes.

Messrs. Baird, Catlin, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith and Walkup voted for Mr. Dowdigan.

The oath of office was administered to the above named officers by Hon. E. W. McKinstry, District Judge.

Mr. Keene introduced the following resolution, which was adopted.

Resolved, That the Standing Rules adopted by the last Senate, be, and are declared the rules by which the present Senate will be governed, until otherwise ordered by the Senate, and that a Select Committee be appointed by the President to draft and report a code of rules and regulations for the government of the Senate.

The President appointed as the committee, Messrs. Keene, Crabb and Hubbs.

On motion of Mr. Hubbs, it was

Resolved, That the Sergeant-at-Arms procure fuel and lights necessary for the use of the Senate, the bills therefor to be audited by the Committee on Contingent Expenses.

The President announced that he had appointed Henry Ellis and Jacob F. Hachnlen, Pages; and Benjamin Chapman and Robert H. Masters, Porters to the Senate.

On motion of Mr. Keene, the Senate adjourned to 11 o'clock, Wednesday.

IN SENATE.

WEDNESDAY, January 5, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read, when

On motion of Mr. Ralston, Mr. Keene's name (who was temporarily absent during the voting) was placed on the roll of Senators voting for officers—with this correction the Journal was approved.

Hon. Jacob R. Snyder, Senator from San Francisco, this day appeared and took his seat.

The vacant districts were again called, on motion of Mr. Crabb, and the following Senators answered to their names—

10th District, Mariposa and Tulare—James H. Wade.

19th District, Marin, Mendocino and Sonoma—J. M. Hudspeth,

To whom the oath of office was administered by Hon. J. M. Howell, District Judge, 11th District.

Mr. Hubbs introduced the following resolution:

Resolved, That the Rev. Mr. Woodbridge be requested to officiate as Chaplain to the Senate during the present session.

Which was unanimously adopted.

Mr. Crabb presented a memorial from the settlers on the overflowed and swamp lands of the San Joaquin valley, which for the present was laid upon the table.

Mr. Keene, from the committee appointed to draft a code of rules and orders for the government of the Senate, reported sundry amendments to the old rules, the report was adopted, the amendments concurred in, and one hundred and fifty copies ordered printed.

Mr. Hubbs introduced the following resolution:

Resolved, That the Secretary of State be requested to furnish, as far as practicable, each Senator with a copy of the Statutes and Journals of 1850, 1851 and 1852, and the Debates of the Covention to form a Constitution.

Adopted.

Mr. Coffroth offered a resolution to appoint a Select Committee of five to investigate the circumstances of the passage, engrossment, enrollment, and filing in the office of the Secretary of State of the law passed at the last session of the Legislature, entitled an Act providing for the erection of a State Prison.

The resolution was adopted, and the President appointed as the committee, Messrs. Coffroth, Snyder, McKibben, Kurtz and Roach.

Mr. Hubbs asked the unanimous consent of the Senate to introduce a bill, which was not granted, objections being made by Mr. Lott.

On motion of Mr. Keene, it was

Resolved, That the Secretary inform the Assembly that the Senate has organized, and is now ready to proceed with the business of the session.

The following message was received from the Assembly:

Mr. President:

I am instructed to inform the Senate that the Assembly have selected Isaac B. Wall, Esq., Speaker.

B. McAlpin,	Chief Clerk;
J. W. Scoby,	Assistant Clerk;
A. G. Kimball,	Enrolling Clerk;
W. M. Zabriskie,	Engrossing Clerk;
George W. Coffee,	Sergeant-at-Arms; and
J. Warrington,	Door Keeper;

And that they are ready to proceed to legislative business. They have also passed a Concurrent Resolution, which is herewith submitted, creating a committee to wait upon the Governor, and have appointed on their part, Messrs. McMeans and Carpentier.

B. McALPIN, Clerk.

On motion of Mr. Keene, the resolution accompanying the message was concurred in, and the President appointed as the committee on the part of the Senate, Messrs. Keene and Foster.

Mr. Keene, on behalf of the Joint Committee, reported that the committee had waited upon the Governor, and received for an answer that he would make a communication to the Legislature forthwith.

The Annual Message of the Governor, with the Annual Report of the State Treasurer, documents connected with the State Prison, Report of the Committee to examine Comptroller's and Treasurer's Books, and also a Supplemental Report from the State Treasurer, of the operations of the Treasury from the 1st of July to December 29th, inclusive, were received.

Mr. Lind, after the Secretary had commenced reading the message, moved that the further reading be dispensed with, and that twenty-five hundred copies be printed in English.

Mr. Hubbs moved as an amendment that ——— copies of the Message and Documents be printed for the use of the Senate, also ——— copies each, in German, French and Spanish languages, provided the cost per copy does not exceed that of the same in the English language.

Lost.

Mr. Roach moved that one thousand copies be printed in Spanish.

On motion of Mr. Keene, the whole subject was laid on the table.

The message of the Governor was then read as follows:

Fellow Citizens of the Senate and Assembly :

The duty again devolves upon me to communicate with the People's Representatives on the condition of the State, and recommend such measures as I may deem expedient.

Permit me, then, to welcome you to the scene of your legislative labors, and to express the hope that all the measures matured by you may not only be promotive of the interests, but meet the warm approval of our common constituents, who have confided to you the most important trust which can be delegated to public agents. I need hardly assure you of my sincere desire to co-operate with you in all your efforts to exalt the character, establish the credit, and advance the general interests of the State.

You have assembled at an interesting period in the history of our public affairs. Our interests have acquired a more permanent and solid character; the people have generally yielded a willing obedience to the laws; our commerce is rapidly diversifying and expanding; the sources of our wealth have been immensely augmented; agriculture and the mechanic arts are more generally engaging the attention of our people; institutions of learning are springing up in our midst; and, in fact, all the arts of peace are beginning to progress and flourish throughout the State. We have entered upon our career of freedom and civilization with prospects the most flattering. Uninterrupted and surprising as has been the progress of those sister States from which we are divided—not by feeling, but by geographical position—astonishing as have been the achievements of science, and astounding the political events which have distinguished the past history of our country, the settlement and partial development of the resources of California by the American people, is by no means the least amongst the great achievements which have been consummated. The importance of events is estimated by their influence upon the destinies of mankind; that of the settlement and development of California, to which I have above alluded, possesses a peculiar interest, since it evidently hastens the period when a more considerable portion of this continent—including, perhaps, some of the proximate islands of the seas—may be in subjection to the enterprising and enlightened policy of the Government of the United States. The settlement of California has developed in the public mind a strong bias favorable to other peaceful acquisitions, and has proved, that, while in accordance with the uniform policy of the Government, we have ever been ready to welcome emigrant foreigners to our soil, who can, consistently with the Constitution and Laws of the United States, become citizens by naturalization, they are, at the same time, disposed to make the soil itself, peacefully, a portion of the Republic. Despotisms forcibly subdue and subject foreign territory in violation of the laws of nations, while it is the policy of our Government to extend the "area of freedom" only when it can be done consistently with the rights of others, and by a due observance of the laws governing national intercourse.

Pursuing the path of peaceful progress, we have advanced in all the elements of national greatness, and enjoyed a degree of individual prosperity under the operations of our civil institutions, unexampled in the history of governments.

Amongst the most important duties which will devolve on you at your present session, is that of regulating the finances of the State, and fixing them upon a basis at once permanent and sure; which shall, at the same time, serve to secure us against the embarrassments of an overdrawn treasury, as well as against the burdens of oppressive taxation. It cannot be disguised that for the past three years, we have not devoted that advised and well-informed attention to this subject which its great importance demands. Year after year, since the organization of the State, we have been steadily contracting heavy liabilities, until at length the burden is onerously felt, and the embarrassments thus occasioned begin to seriously affect our standing and credit, and retard our progress. That measures must now be adopted, immediate, if practicable, in their effect, and radical in their nature, would seem to admit of no question. We have pursued a system, heretofore, the practical results of which, as exhibited by the present financial condition of the State, are certainly not such as will commend it to further adhesion. A system which produces such results, must be defective, and should be abandoned. To sustain the credit of the State, to avoid the burdens of embarrassing liabilities, and to expend no more than the annual revenues derived from easily borne taxation, are amongst the first and great objects of legislation. But we have signally failed to do either up to this time, and must, therefore, have pursued a system, neither well founded nor wisely practical, considered with reference to the objects intended to be secured thereby. A debt has been already contracted, which, under existing arrangements, will continue to accumulate to a disastrous extent. Fortunately, however, it rests with you to check this growing evil, by a suspension of the existing, and the adoption of another system, which, while it avoids the errors into which we have heretofore fallen, shall introduce such salutary reforms, as past experience demonstrates to be indispensable.

With this in view, it is my purpose to present, generally, for your consideration, a few of the leading reforms which have occurred to my mind, as important and necessary.

The existing debt of the State on the 15th December, 1852, is set forth as follows in the Report of the Comptroller of State. (See Appendix, No. 1.)

CIVIL DEBT.

Amount of 3 per cent. Bonds outstanding,	- - - -	$63,750 00	
"	Interest on same to date, -	63,700 00	
			$127,450 00
"	7 per cent. Bonds of 1851,	$397,000 00	
"	Interest on same, - -	3,218 58	
			$400,218 58
"	7 per cent. Bonds of 1852,	$790,500 00	
"	Interest on same, -	281 41	
			$790,781 41

Amount of Civil Warrants outstanding, - - -		69,763 79
		$1,388,213 78

WAR DEBT.

Amount of 12 per cent. War Bonds of 1851, - - -	$200,000 00	
" Interest on same, -	39,812 20	
		$239,812 20
" 7 per cent. War Bonds of 1852, - - -	$478,000 00	
" Estimated interest on same,	10,850 00	
		$489,850 00
" War Warrants outstanding, - -		41,727 85
Total War Debt, - -		$771,190 05
Amount of School Land Warrants, -	$190,080 00	

WHOLE DEBT OF THE STATE.

Amount of Civil Debt on the 15th December, 1852,	$1,388,213 78
" War Debt " " "	771,190 05
	2,159,403 83
Making the entire Debt of the State, Civil and War,	$2,159,403 83

And if we include the $190,080 00 received for School Land Warrants, $2,349,483 83. On the amount received for School Land Warrants, the State is pledged to pay an annual interest of seven per cent. to the School Fund, but the principal I do not regard as legitimately a debt of the State; so that, excluding this item, it will be found to be $2,159,403 83, to which should be added ($5,412 31) the interest which has accrued upon the amount realized from the sale of School Land Warrants. Beside this, the debt contracted by reason of Indian expeditions--amounting to the sum of $771,190 05—should be regarded rather as an *apparent* than *actual* indebtedness. The reasons for this opinion are contained in a special message transmitted to the Legislature at its last session, and are as follows:—"The General Government owed us protection which was not adequately afforded. Our frontier citizens were exposed to Indian depredations, and hostile Indian incursions were not only threatened, but actually commenced. No sufficient United States forces could be mustered for the protection of our people, their lives and property, and we were compelled, therefore, to protect ourselves. To do this, it became necessary, in the opinion of the Executive, to extend that protection which the General Government should have secured. The amount expended on

these expeditions, for a part of which the bonds and warrants of the State are now outstanding, I have reason to believe will be promptly assumed by the General Government. Our situation in this respect is not at all peculiar, for there are abundant precedents to be found in the proceedings of Congress, of appropriations having been made in similar cases. By Act of Congress approved March 3, 1841, provision is made for the payment of troops called out by the Governor of Alabama to suppress Indian hostilities. By an Act approved August 11, 1842, an appropriation of $175,000 is made to the State of Georgia, for expenses incurred in the Seminole, Cherokee, and Creek campaigns; and the suppression of Indian hostilities in Florida and Alabama. By an Act approved August 29, 1842, the sum of $61,378 15 is appropriated to the State of Louisiana for the troops employed in the Seminole war; and by Act approved May 14, 1834, an appropriation of $35,000 is made to Missouri for similar purposes. These precedents indicate, that where it is made to appear that a State has been required to call out forces and incur expenses in its defense, the Congress of the United States will make such appropriations as justice and an observance of the relations existing between the General and State Governments require. Besides these precedents, there are to be found numerous appropriations made to *individuals* for services rendered, by order of the several State authorities, and for property stolen and destroyed by hostile Indians, where insufficient protection had been extended by the General Government."

Should this amount, then, be assumed by the General Government, the debt of the State is reduced to $1,388,213 78. It should be borne in mind, however, that until an assumption by the General Government, we are pledged to the redemption of the bonds issued to secure the payment of these liabilities, and whatever financial measures are adopted, should be with a view to the contingent probability of their ultimate payment by the State.

Having thus exhibited our present financial condition, it remains to devise means by which the large indebtedness we have incurred may be discharged, and the affairs of the State hereafter administered so that its expenditures shall not exceed its income. It is perfectly apparent that we cannot proceed as heretofore, without destroying our credit and deeply involving our interests. Wisdom would therefore dictate reforms, and experience demonstrates that in many cases they are required to be radical.

The estimated receipts and expenditures for the ensuing Fiscal Year are estimated by the Comptroller, as follows:

Receipts, - - - - - -	$434,150 00
Expenditures, - - - - -	1,093,213 68

By reference to the table of estimated expenditures it will be seen, however, that many of the items mentioned are of special character, and do not enter into the general annual expenditures, amounting in the aggregate to upwards of $220,000.

With a view to lessen the expenditures of government, I would invite your attention first to several reforms in our State Constitution.

When we consider the period and circumstances of the adoption of our present Constitution, it is not matter of astonishment that experience should have disclosed its imperfections. Coming into existence at an

early and unsettled stage of our political history, when our population was sparse, unstable, and possessed little or no identity with the permanent interests of the State—when our wants and resources were as yet undefined and undeveloped—when the diversified adaptations and necessities of the various portions of the whole were unknown, and all was confusion and excitement, it would, indeed, present an instance of almost superhuman sagacity, should its provisions be found to afford a solution for all the exigencies of the future. The immense augmentation of our population; the rapid and mighty changes in our habits and pursuits; the more matured and staid condition of society, independent of its intrinsic defects, would seem to demand that the basis of our system should be remodeled, and adapted to present emergencies.

It is but justice, too, that that large and intelligent accession to our numbers which has accumulated since the adoption of our existing Constitution, should be permitted to speak and have its influence in shaping the character of our Institutions.

I am not an advocate of frequent and sudden changes in that system of law and policy by which a people are governed. But when a State exhibits the spectacle which is presented by ours, of having grown up from infancy to manhood, as it were in a day—when in the short space of three years, we have risen from a wandering and adventurous population of not more than fifty thousand, devoting themselves rather to the acquisition of wealth than the formation of a plain, free and frugal government—to some three hundred thousand orderly, moral, industrious, intelligent and permanent citizens, who are indissolubly associated with the welfare and prosperity of the State; and especially when radical and serious defects exist, duty, wisdom and prudence dictate that an effort be made to remedy those deficiencies and errors, and that alterations in our earlier organization, comporting with with the change of circumstances, be effected. But by far the most material consideration which influences me in this recommendation is that of economy.

In the present embarrassed condition of our State finances, it becomes us to search out every avenue to economy which does not entrench on principle or justice. It is believed that provisions exist in our constitution which might be dispensed with, without inconvenience, and thereby, if not entirely relieve, at least, greatly assist in reducing our burdens and embarrassments. Such being my conviction, I feel it my duty to recommend that steps be taken in accordance with the first section of the tenth Article of the Constitution: First, for amending the second section of Article fourth of that instrument in such a manner as to provide for biennial instead of annual sessions of the Legislature, and those sessions not to exceed ninety days in duration. When the advantages and disadvantages of annual and biennial sessions of Legislative bodies are impartially compared, the preponderance of benefit will be found to be clearly on the side of the latter. It is true, that by way of speedily curing existing defects in our laws and of applying a remedy to cases of pressing and importunate demand, the yearly assembling of the Legislature may afford advantages; but on the other hand, when we reflect on the expenditures of public money necessarily attendant on these sessions; on the evils of that government whose laws are undergoing continual and rapid changes; and that in cases of absolute necessity, it is in the power of the

Executive to call extra sessions, the argument must be admitted to be in consonance with the proposed amendment.

Such an alteration in our Constitution will effect a saving to our Treasury of two hundred thousand dollars annually. An item of such importance in our present condition must command the most careful investigation of the Legislature, and to it I invoke your most serious deliberations. It is a fact of no slight importance that many of our sister States after having tested the system of annual sessions, amended their Constitutions as now recommended; but no instance can be found in which the reverse is the case. The States of Missouri, Illinois, Georgia, Alabama, Mississippi and Kentucky have of late years amended their Constitutions in this respect.

Second: That the twenty-eighth section of the fourth Article of the Constitution be repealed, and the taking of the census of the State be left to be regulated by law, or that it be so amended as not to require that work to be done in the year 1855.

The taking of the census of a State so extended as ours, is a weighty and expensive operation, requiring much time and labor and a great outlay of money, and should not be required more frequently than actual necessity demands. During the past year it has cost some one hundred thousand dollars, and as it is an affair of questionable utility, it is to be hoped that it will not be so soon repeated as the Constitution requires. The census will be again taken by the Government of the United States in the year 1860, and that which has just been completed may, without inconvenience, be acted upon until that period.

Third: That the first Section of the ninth Article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners, to be chosen by the people of each school district or township.

The office of Superintendent of Public Instruction as a distinct department, is of very doubtful necessity as an original question, and if under any circumstances it were desirable, can now with propriety be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination it will be found that more than two-thirds of the members of the confederacy have, after mature experience in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office. New York, Massachusetts, Illinois and Pennsylvania, have merged the duties of this office in that of the Secretary of State; Indiana has placed it in the hands of the State Treasurer, Connecticut with the State Auditor, and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia and Missouri, have divided them out among Commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

The fundamental law of government, which can only be changed after long and strenuous effort, it would seem should be confined to provisions for great and admitted principles and measures, and leave the ways and means of carrying those great truths into effect to the wisdom and patriotism of the

legislative power, acting under a knowledge of the peculiar circumstances of the times.

Fourth: The twenty-fifth Section of the fourth Article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and, as it has been sometimes acted on, inoperative duty. It provides that, in order to revise or amend an act or section, the act or section proposed to be amended must be re-enacted and re-published at length. This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice, thus at one and the same time teaching us to evade the solemn injunctions of the Constitution which we have sworn to support, and uselessly enhancing the demands upon the Treasury.

I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read "Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Fifth: That the eighteenth Section of the fifth Article of the Constitution, providing for the election of Surveyor General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

Sixth: The eighth Section of the eleventh Article provides that the fiscal year shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth of December. The reasons for this change will readily present themselves. Under the existing provision, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the annual reports of the Comptroller and Treasurer, as to the condition of the State finances after the first day of July preceding, and consequently it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the reports of these officers would display the condition of our finances up to the fifteenth of December, and be much more satisfactory.

These alterations are suggested under a solemn sense of duty, believing them not only conducive to the interests of the State, but absolutely essential to our prosperity and welfare. By adopting the method of amendment pointed out by the section of the Constitution to which I have referred, you will avoid the expense and agitation of calling a Convention of the State, and it is hoped that this course will commend itself to your judgment as the most prudent and desirable.

The office of Superintendent of Public Buildings is believed to be unnecessary, and a useless burden to the Treasury. I recommend, therefore, that the law creating that office, unless it expired by limitation on the first of January, as is believed to be the case, be repealed, and that the duties thereof be required to be performed by some one or all of the State officers, without additional compensation: or that some other disposition be made of those duties which will relieve the Treasury of the expenditures incident to that office. In this too we follow the example of most of our sister States.

New York vests these duties in the Governor, Lieutenant Governor, Speaker of Assembly, Secretary of State, Attorney General and Comptroller, by right of office; Mississippi vests them in the Auditor and Treasurer of State; Illinois places them with the Secretary of State; Wisconsin with the Governor alone. In no State of the Union, save that of Missouri, can I find this constituted a separate and distinct office.

Our judicial districts are much more numerous than our necessities seem to demand. We now have eleven District Judges, with salaries ranging from three thousand to seven thousand five hundred dollars each. These might well be curtailed to eight, and thus effect a considerable saving to the Treasury. I recommend that this be done, and that the County Attorney system be also changed, to that of the election of one Attorney for each judicial district, to be compensated by the fees of office. This latter provision will relieve the County Treasuries of the salaries of these officers, and invest the office with more importance and dignity, besides saving to the State the annual sum of five thousand dollars, now paid to the District Attorney of San Francisco county.

The State Prison Inspectors authorized by the Act of April 25th, 1851, are not required, and are an unnecessary charge upon the State, their salaries amounting to $2,000 per annum each. These may be dispensed with without detriment to this particular branch of the public service, and their duties devolved upon a board composed of any three of the State officers, without additional compensation. By adopting this suggestion, a saving would be effected to the State of $6,000 annually.

In pursuance of the system of retrenchment and reform proposed, I come now to consider the propriety of a further reduction of the salaries of officers of State and pay of members of the Legislature. The general object is to reduce both to a *cash basis*,—and thus to provide for their payment in cash, instead of as heretofore, depreciated evidences of State indebtedness, from which has been realised little, if any more than the sum at which it is now proposed to fix them. It is well understood that these salaries and pay practically have been, and are to the extent of at least thirty-three per cent., nominal so far as the recipients of them are concerned; while on the other hand, the effect is to burden the State with extravagant expenditures. The State must ultimately pay at the rate of sixteen or twelve dollars per diem, while the member receives in fact but eight or ten dollars. The reason of this is obvious. So long as we continue to exceed in our annual expenses our annual revenue, the credit of the State must continue to be impaired, and its bonds, warrants, or other obligations depreciated: and while the pay of members or salaries of officers are received in such depreciated evidences, a proportionate nominal increase of both is in justice required. I feel it my duty, therefore, to earnestly present this important subject for your attentive consideration.

The expenses of the Legislature, as well as the Executive Department of the State Government, considered with reference to their ultimate payment, and in *cash*, instead of fictitious amounts, have been undeniably exorbitant. The mileage and per diem of members alone, have annually averaged over $220,000, since our organization as a State Government. This amount is exclusive of Legislative printing—the printing of the laws and journals, and the contingent expenses of the two houses,

which amount in the aggregate for the same period to $365,555 06, an average of over $121,000 annually. These exorbitant expenditures may and ought to be greatly reduced. So also with the Executive Department. The Salaries paid officers of State, if fixed upon a cash basis, are unnecessarily large, and with proper discriminations may be reduced without practically diminishing the amount now received by them.

The expenses incurred in the support and maintenance of our State Hospitals, too, are excessive and unwarranted by our present financial condition. Much as we may regret the necessity, still it is certain, that as one of the means to restore the credit of the State and preserve it, the very large annual expenditures consequent upon the support of this system must needs be avoided. It appears from the Comptroller's Report that appropriations for our hospitals for the present fiscal year exceed the sum of $238,000. So great an outlay we are in no condition to sustain, even were the necessity for it greater than at present is believed to exist. I can do no less, therefore, than earnestly recommend that some measure be adopted, which, while it provides for the care of the indigent sick in such manner as the means and resources of the State justify, shall relieve the Treasury of the burdens of the existing hospital system.

By adopting the suggestions which have been thus imperfectly submitted, it is estimated that an annual saving may be effected to the State of $512,700 00, which consists of the following items:

Surveyor-General, - - - -	$2,000 00
Superintent of Public Instruction, - - -	4,500 00
Superintendent of Public Buildings, - -	4,000 00
Prison Inspectors, - - - -	6,000 00
Biennial Sessions, - - - -	171,000 00
Reduction of pay and mileage—pay to $5 per diem, mileage one-half, - - - -	110,000 00
Limiting Sessions to ninety days, - - -	43,200 00
Reducing transportation of Prisoners from one dollar to fifty cents per mile, which is recommended,	8,000 00
State Hospitals. (See Report of Comptroller,)	140,000 00
Reducing Salary of Governor to $7,000. - -	3,000 00
" " Supreme Court Judges to $7,000,	3,000 00
" number of District Judges from 11 to 8, about - - - -	12,000 00
Salary of District Attorney of San Francisco, -	5,000 00

It is not pretended, of course, that these estimates are entirely accurate, but by reference to the Report of the Comptroller they will be found to be very nearly correct; sufficient so to show the necessity for immediate legislative action on the subject. When it is considered that the amount thus saved exceeds the annual revenue of the State, no other or further reason, it would seem, need be assigned to induce you to adopt the system of retrenchment from which such results must follow.

Although the gentlemen now discharging the duties of the various offices proposed to be dispensed with, as distinct offices, have been efficient, and rendered important service, still, believing that the duties appertaining to the said offices can be performed by others, without detri-

ment to the public interest, I have, as a measure of economy, deemed it my duty to recommend their abolishment, and the duties thereof transferred to other officers of State.

It will be seen that the enormous sum of $157,993 89, has been paid as interest on our three per cent. bonds, and that on the 15th of December last the amount outstanding was $63,750, on which interest to the amount of $63,700 had accrued. By adopting the reforms suggested, and relieving the State from the onerous interest accruing on these three per cent. bonds, we may certainly calculate, especially when it is considered that objects of taxation must annually increase to defray as they accrue, and in cash, all the expenses of an economical administration of the State Government.

The interest upon our civil bonds is well secured, and their ultimate redemption provided for by the Sinking Fund.

In this connection it is submitted that the revenue laws of the State will require revision and important alterations.

The provisions of the Revenue Act of the 23d of April, 1852, which imposes a tax upon the sale of consigned goods, has met with much resistance in the city of San Francisco. This measure is too important in its bearings upon the interests of the State to be neglected, and no means should be left untried, consistent with the Constitution, to enforce its provisions. I have been advised by the District Attorney of San Francisco County, (whose report is herewith submitted) that in July last he submitted to the Grand Jury, on application of the Collector of the County, some two hundred indictments against parties charged with violating this Act, and that though informed by the County Judge that the legal presumption was in favor of the constitutionality of the Act, the Grand Jury ignored the several bills presented under it. The reasons for the action of the Grand Jury are not expressly assigned, but in the opinion of the District Attorney, as well as the counsel employed to assist him, "the evident hostility which it manifested to the Act," made it advisable not to institute any civil proceeding under it, but to await the action of the Legislature. I know of no better suggestion to make than that contained in the report of the counsel employed to assist the District Attorney—that "proceedings both civil and criminal be authorized to be instituted in some other county to enforce compliance with its provisions." It is also further suggested that the last clause of section seventy-seven, which gives to the vender a lien on the owner of the goods, be repealed.

I have to renew the recommendation contained in my special message of last winter, in relation to the receipt of Comptroller's Warrants for all State dues;—a measure which it is believed will tend to secure an increased collection of revenue, and at the same time serve to improve the credit of the State, not only in proportion as it diminishes the amount of her indebtedness, but, as it also evidences an intention on the part of the State to deal justly with its creditors. The hardship and injustice done to the holders of adjusted civil demands against the State, in refusing to receive these demands in payment of claims held by the State against them, is too obvious to be dwelt upon for a moment. Equity and good faith require that this shall not longer continue to be the case.

In a financial point of view, too, it cannot be doubted that the system now in force operates injuriously upon the pecuniary affairs of the State.

The injustice of the requirement to receive nothing but gold and silver, notwithstanding the tax payer may hold an ascertained and adjusted indebtedness of the State, is by many deemed so flagrant that even well disposed persons, in view of it, are inclined to resist what they very naturally regard an illegal and burdensome exaction, and seek to avoid the payment of taxes, which, under other circumstances, would be cheerfully contributed. I cannot do less, therefore, than to earnestly recommend that the law be so changed as to authorize and direct collectors of taxes to receive these warrants.

By an Act of the Legislature approved March 26th, 1851, certain property of the State known as the "Beach and Water Lot Property," was released to the city of San Francisco for the term of ninety-nine years—the city to pay into the State Treasury twenty-five per cent. upon all moneys arising from the disposition made of the property after the passage of the Act. On the first day of May, 1851, another Act was passed relinquishing to the city certain Beach and Water Lot Property, upon the express condition that the titles which had been theretofore granted by any Justice of the Peace should be confirmed. The conditions of neither Act have been complied with. The requirement to confirm grants made by Justices of the Peace has been wholly neglected, and but one thousand dollars have been paid into the State Treasury under provisions of the second section of the Act of March 26, 1851.

The whole property it is understood, however, has been sold under execution, to satisfy judgments obtained against the city. It is unnecessary to present a full history of the proceedings which resulted in the sale of this property and the litigation which has consequently ensued. The duty is now devolved on the agents of the State to adopt measures to secure, as far as possible, its legal and just rights in the premises. The Attorney General has instituted suit for the whole of the property thus relinquished, but some time must necessarily elapse before a decision of the questions involved can be had. I would recommend, therefore, that a Joint Committee be appointed early in the session, charged with the duty of investigating the whole subject, and that they further examine and report whether the present limits of the city may not, without injury to the harbor, be extended, and if so it is recommended that the addition be divided into lots of suitable size and leased for a term of years, under the direction of the Comptroller and Treasurer: the proceeds to be paid into the State Treasury. The right of the State to the use of this property, without injury to commerce, cannot be questioned, and the money arising therefrom would constitute an annual income which would form an important item in the amount required to defray the necessary expenses of government.

I would also commend to your early consideration, that additional measures be adopted to secure escheated estates. It is believed that immensely valuable estates, which justly belong to California, are in the hands of, and held by, individuals. By the Constitution, this species of property is set apart for educational purposes: it is, in fact, the inheritance of the children of the State, and should be in all cases secured, and the proceeds appropriated as designed by the Constitution.

By an Act of the last session I was required to employ counsel to conduct certain suits in San Francisco, arising under the revenue laws. In

pursuance of this requisition, counsel were employed in the following cases in which injunctions had been sued out by the parties to restrain the sale of certain property levied on by the Sheriffs of San Francisco and Solano counties, to satisfy the revenue assessments of the State: Minturn, Mezzie & Co., Pacific Wharf, Charles L. Wilson, Pacific Mail Steamship Co., and Cornelius Vanderbilt, against the Sheriff of San Francisco, and the Pacific Mail Steamship Co. against the Sheriff of Solano county. The above cases were all instituted to restrain the collection of the State (and county) tax, assessed under the Revenue Act of 1851. The first, fourth, fifth and sixth, upon complainants' property in vessels; the second, upon complainants' property or franchise in Pacific street Wharf; the third, upon complainants' property or franchise in the Mission Plank Road. The two first have been decided in favor of the State, upon appeal, by the Supreme Court; and the third, in consequence of the decision of the two first, has been dismissed. The fourth, fifth and sixth, are still pending in the Federal Court. The result of these suits is of vast importance to the State, since the sum of perhaps $100,000 depends directly on it. The parties complainant are large capitalists interested in some of the heaviest business enterprises conducted in the State, and are realizing immense profits from them. They resist the payment of taxes on the ground that the owners of the property sought to be taxed are citizens of other States of the Union, and subject to taxation on the same property in the place of their residence. The fact however is indisputable, that the parties who are thus seeking to avoid a not unreasonable contribution towards the support of our State Government, are operating under the protection of its laws in immense enterprises, and amassing fortunes from its citizens, who, unlike them, cheerfully contribute to the support of that government whose protection they enjoy.

The subject of the future disposition of the lands within the State is daily assuming an increased importance. The unsettled condition of titles to this species of property has ever been, and still continues, a serious obstacle to our prosperity. Thousands of our fellow citizens stand ready to invest their means, and bend their energies to the development of the agricultural resources of our rich and inviting soil, laying broad and deep the foundations of future prosperity, on that surest basis of State greatness and independence; and thousands more of our most industrious and enterprising population are anxiously awaiting the action of Congress which is to secure to themselves and families comfortable and permanent homesteads.

Perhaps two-thirds of the most valuable agricultural lands of the State are claimed under Mexican or Spanish grants, the validity of which is yet undetermined. This is a subject which commands the immediate consideration of the Legislature. Some plan should be devised by which these claims may be more speedily and satisfactorily disposed of than by that which now exists. The present law of Congress on this subject is conceded to be defective. The circuitous and irregular proceedings required under it, through a Board of Commissioners, might be well and beneficially dispensed with, and these claims brought directly into the District Court of the United States, where the rules of legal evidence are observed; where witnesses are brought into court, examined and cross-examined; and where all the parties interested can be heard by counsel. Commissioners acting under

the existing law, defective as it is conceded to be, have made, or will hereafter make, few decisions, which will not be appealed to the District Court. It must, therefore, be readily perceived how it will operate a great saving of time and expense to require them, in the first instance, to be brought before this judicial tribunal. I recommend that Congress be memorialized on the subject, with a view to the repeal of the present law, and the passage of an Act prescribing the mode of bringing these claims for adjudication and settlement at once before the United States District Court.

The superior importance of agriculture in promoting the prosperity of States, is too well understood and too universally conceded to require extended comment. For the encouragement of this interest, and as an inducement to diversity of pursuits amongst the people of the State, I respectfully call your attention to the propriety of again exerting the influence of the Legislature in an effort to obtain the passage of a law by Congress donating the public lands, in limited quantities, to actual settlers.

The interests of both State and nation will unquestionably be best subserved by thus donating the public domain in small tracts. It will induce emigration to the State; greatly increase the amount of taxable property; and, above all, secure to us an abundance of the necessaries of life produced at home; and thus retain amongst ourselves, to be applied in extending agricultural operations, the millions now expended annually for products of foreign growth.

An additional argument to enforce prompt and energetic action on this interesting subject, is found in the fact, that in consequence of the inadequate cultivation of the vast and productive lands of the State, it is now and will hereafter be in the power of unscrupulous capitalists and speculators to monopolize the very necessaries of life, and thus reduce the laboring classes of our citizens, in many cases, to the verge of starvation.

It has been customary, also, for Congress to donate to the different States on their admission into the Union, lands for schools, universities and seminaries of learning.

This was not done in the case of California. It is true that by our admission, under the present Constitution, the diversion which that instrument makes of the 500,000 acres, donated for internal improvements to school purposes, was sanctioned by Congress; but this leaves our Internal Improvement Fund vacant. Other States have received both the internal improvement and school lands, besides special donations for universities, capitol buildings, and other objects.

Your attention is again respectfully directed to an Act of Congress passed September 28th, 1851, entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits." Under the provisions of this Act the State of California will be entitled to many thousands of acres of very valuable lands;—some practical disposition of which it will be necessary to make. When the Secretary of the Interior shall have made out accurate lists or plats of said lands, it is made my duty to apply for a patent to the State; on the issuance of which, the fee simple to said lands vests in the State, subject to the disposal of the Legislature. To avail ourselves of the benefits of this Act, steps should at once be taken and an economical plan of operations devised to effect the early reclamation of the lands thereby donated. During the past two years, hundreds of our

enterprising citizens have located upon these lands, and, at considerable expense and labor, made valuable improvements thereon. Justice and sound policy requires that they should be secured in their possessions on the most reasonable terms. The more liberal the terms, the more certain and prompt will be the reclamation of these lands and their improvement. Their speedy settlement and cultivation is a matter of great moment to the State, because it will add immensely to the amount of taxable property, and thus of course greatly increase our revenue. A partial knowledge of the location of these lands, as well as careful reflection, has satisfied me that their reclamation can be best effected by donating them to actual settlers, in fixed quantities, upon the same terms that we have received them from the General Government. The State must either reclaim each tract as sold, or devise a general plan of operations which, by means of drains or levees, will reclaim the whole. Such a work will not only require years of labor and much more treasure than will ever be realized from their sale, but will delay their improvement and greatly retard the prosperity of the State. I therefore recommend the passage of an Act donating these lands to actual settlers, in quantities not exceeding three hundred and twenty acres, if such limitation is considered judicious as a means of reclamation, upon condition that the settler shall defray the expense of selection, and within a stated period reclaim the land occupied; the land to be subject to taxation from and after the day of location.

I still adhere to the opinion expressed in my special message of the 30th January last, that the sale or lease of the mineral lands by the General Government, would exert a blighting influence upon the advancing prosperity of our growing State, and paralyze the energies of the enterprising body of men now engaged in developing the mineral resources of California. At present there are no exactions upon labor in the mines. All that can be gathered from the bed sands of our rivers, or dug from the deep recesses of our hills, belongs to the industrious and adventurous miner; and the knowledge that such is the fact, encourages to perseverance in well directed efforts to secure the hidden treasure. The reasons are indeed numerous and cogent why the National Government, in common justice, should make no additional exactions upon the industry and enterprise of our people, nor pursue a course of policy favored by none except those interested in the establishment of powerful monopolies, against the domination of which Government should assiduously guard.

By recent decisions of the Board of Land Commissioners, extensive tracts of mineral lands have been confirmed to the claimants. In this important matter, I conceive it to be your duty to interpose so far as to secure, through our Representatives in Congress, an appeal of those cases to the highest judicial tribunal in the country. In this connection, it may be proper to state, that the Secretary of the Interior, in a communication to Congress, contended, and rightfully, as I believe, that the minerals within every grant of land made by Spain and Mexico, were reserved, and that such had ever been the policy of both governments. In view, therefore, of the immense importance of this question to the people of California, I would respectfully recommend your prompt interposition—that you express the will of the State in the form of respectful resolutions instructing our Senators and Rep-

resentatives in Congress to adopt the necessary measures to secure an appeal of these cases to the Supreme Court of the United States.

The claim of the State against the General Government for revenue collected from our people before the Laws and Constitution of the United States had been extended over us, should not be neglected. We are justly entitled to it, because we were contributing to the support of a Government which extended us no protection, and levied its burdens without securing to us the corresponding benefits which we had a right to expect. This subject has been so frequently presented, that it is not now considered necessary to do more than direct your attention to it.

Under the provisions of an Act entitled "An Act providing for the erection of a State Prison," the Prison Commissioners selected San Quintin Point, in the county of Marin, as a suitable location, and purchased twenty acres of land for this purpose. They also, as authorized by the fourth and fifth sections of said Act, prepared and adopted a plan for a State Prison, and after giving the notice required by law, awarded the contract for the erection of the same. Under the proviso to the sixth section of the Act, I examined the proposals and approved the award—the contract having been awarded to the lowest responsible bidder.

It is proper here to remark, in explanation, that in my opinion the law does not require the Governor, in the first instance, to examine the plan of the building, nor to decide whether its erection, in accordance with the plan adopted by the Commissioners, would require too great an expenditure of public money. His only duty under the proviso to the sixth section, was conceived to be, to consider and decide, whether the contract had been awarded to the lowest responsible bidder. In this opinion I was sustained by the Attorney General. The work having been awarded by the Commissioners to the lowest responsible bidder, the award was approved by me on the sixth day of October. By reference to the law it will be observed, that the seventh section distinctly designates the Prison Commissioners as the parties to sign the contract on the part of the State. On the ninth of October, the Prison Commissioners entered into a contract,—which contract was placed on file in the office of the Secretary of State, on the thirteenth of the same month. It is proper here to state, that different constructions are given to the eighth section under which, as yet, however, no official act has been performed; and, indeed, the incongruities and conflicting provisions of the entire act are apparent, and render official action under it difficult and doubtful in the extreme.

I have, therefore, considered it proper to transmit for your examination a copy of the contract, (see Appendix No. 7,) as well as direct your attention to the imperfections of the law, and commend the whole subject to your careful consideration.

The amount appropriated by the last Legislature for the relief of the Overland Emigration to this State, has been devoted to the object designed by that body, and has served to mitigate the sufferings and save the lives of numbers of valuable citizens. The report of the agents herewith submitted, will more fully and in detail exhibit their operations. (See Appendix No. 8.)

The Report of the Superintendent of Public Instruction contains many valuable suggestions on the interesting subject of Education. California

will probably, as soon as it can be judiciously expended, possess ample means to foster and sustain a system of Common School Education, which must, in time, give a high character to our civil institutions. The fund applicable to this object, the interest on which is to be annually appropriated for the exclusive support of Common Schools, is now nearly two hundred thousand dollars, and when the residue of the school lands are sold, will amount to one million. This considerable sum is still not the full extent of our means, or the only resource upon which our Common School system rests its future prospects and hopes. The last Legislature, alive to the great interests of Education, and regarding its permanent and liberal support as intimately interwoven with the first duties of the representatives of a government which has derived form and vitality, and the future existence of which may be said to depend upon the intelligence of the people, wisely made provision for an additional sum pledged to the extension of the blessings and bounties of knowledge and science, to every family within this, the youngest State of the confederacy. The additional means relied upon, consists in an annual tax of five cents of the thirty imposed on each one hundred dollars of valuation, which has already commenced flowing into the treasury, and on the 15th of December last amounted to $10,687 16; and the amount of interest due on the School Land Fund on the first day of January, $5,412 31: making a total tax of $16,099 46 now in the treasury. The amount of assessment, deducting expenses of collection, $22,696 26, of which sum $12,009 10 is still due from the several County Treasuries.

The amount realized annually from taxation, as well as the interest accruing on the amount derived from the sale of school lands, has been set apart for the sustenance of this ennobling system, from which, in a few years, the children of the State will reap the rich reward it promises, and participate in the blessings of mental culture and improvement dispensed by it.

The project of connecting the Pacific with the Atlantic Ocean by means of a Railroad, may be said to have already been favorably considered by Congress, an appropriation having been made at its last session to defray the expenses of examining the several routes represented as practicable. Regarding it as a well understood and conceded fact that the people of California are at least as deeply interested in this great work as those of any other section of the Union, an expression in its favor from their immediate Representatives is expected by its advocates, and must have an influence with the representatives of the nation at large. It is not my purpose, however, at this time, to point out the great commercial advantages to be derived from it, nor to spread before you facts domonstrative of its practicability; for in truth, at this time, but few question its feasibility, and all here concede that in common with the people of the Union the citizens of California must derive incalculable benefits from its construction. I would therefore recommend that you again press the subject upon the attention of Congress in the manner you may deem best calculated to accomplish the object desired.

By reference to the compilation of the census of the State, received from the Secretary of State, to be transmitted in a few days, you will perceive that in the space of two years, our population has, not unexpectedly, however, greatly increased. Your attention is particularly invited to an exam-

ination of the statistics which this document contains: affording as they do, the most valuable and interesting information in relation to the wealth and resources of the State. The progress we have made, as exhibited by these returns, in all the arts and pursuits which identify a people with the permanent interests of their State, and affording assurances of continued advancement, is matter of high gratulation and just pride. Rich in minerals · prolific of other resources: possessing a population unequalled in enterprise and fearless energy, and holding as it were, the key to the incalculable commerce of the eastern world, the most dreaming visionary can scarcely paint too extravagantly the picture of the future greatness of our adopted State. Prudence, wisdom and vigilance, in the management of her affairs, with the natural advantages possessed, cannot fail to work out a destiny at once the wonder and admiration of the world, and more than realize the hopes and expectations of those distinguished patriots and statesmen who so efficiently labored to acquire it.

The inadequacy of the numerical force of the United States attached to the Pacific Division of the army for the protection of our citizens against Indian depredations, has unfortunately hitherto been too apparent, and continues to be a subject of just complaint. The number of regular troops detailed for service in California has not, at any time, been proportionate to the demands of the service. The Indians upon our frontier are still hostile, and collisions between them and the whites have, during the past summer, been of frequent occurrence, and many of our most estimable and useful citizens been sacrificed in consequence of the neglect of the General Government to make adequate military provision for our protection. The defence of the frontier has already made our State responsible for a debt of more than $800,000. This subject should be earnestly presented, and the strong and decisive interposition of the General Government, if possible, secured.

The annual reports of the Comptroller of State, (see Appendix No. 1,) Treasurer of State, (see Appendix No. 2,) Surveyor General, (see Appendix No. 3,) and Quarter-Master General, (see Appendix No. 4,) are herewith transmitted. They will be found to contain reliable and important statistics and many well matured suggestions, to which you will find it necessary to make frequent reference, in the performance of your legislative labors: I also herewith transmit a communication from Brigadier-General Hitchcock, the officer in command of the Pacific Division of the United States Army, exhibiting the number of troops under his command, and designating the points where stationed within the State. (See Appendix No. 5.)

The report of the committee appointed by the Senate at the last session to examine the books and accounts of the Comptroller and Treasurer of State is herewith transmitted. (See Appendix No. 6.)

By an Act passed at the last session the Governor was authorized to procure a suitable block of marble and transmit it to the Washington Monument Society. Following the plan understood to have been adopted by the other States, I made arrangements for three pieces of different shades and differently variegated, which were intended to represent the three important events in our history—the acquisition of California by treaty, adoption of the Constitution, and admission of the State into the Union. Two of these were delivered at Sacramento City, but were de-

stroyed by the great fire of November last, and before the delivery of the third. The block secured is four feet in length and twenty-two inches square. It is now in Sacramento City, and will be shipped without unnecessary delay.

It will be recollected that the block of quartz transmitted in 1850, though perhaps not formally rejected by the Washington Monument Society, was by our Representatives in Congress and other citizens at Washington decided to be unworthy the State, and the Legislature was memorialized to procure and furnish another. I have endeavored to procure a block which should reflect honor on the State; and although the original design has been defeated by the destruction of two of the pieces, that remaining is very beautiful, and I doubt not will compare favorably with any of the various specimens of marble presented by the other states.

I will be pardoned the suggestion, that whatever measures you may find it necessary to adopt, should be acted upon with promptness and dispatch, so far as it can be done consistently with due deliberation, and delivered to me for approval a sufficient length of time before adjournment to enable me to give them proper consideration. The propriety of this suggestion will be appreciated, when it is understood that over one-third of the whole number of Acts passed by the last Legislature, and at least one-half of the most important were presented for my approval within the three last days of the session.

In conclusion allow me to express the hope, that whatever measures you shall mature, with the single object of promoting the well being of the State, whose interests you represent, may fully realize your most sanguine expectations, and result in attaining those blessings, civil and political, which it is the grand design of all well regulated and wisely administered governments to secure; and to renew the assurance that it will at all times be my highest pleasure to co-operate with you.

Under the guidance and protecting care of that Divine Goodness which has nurtured and preserved us heretofore, let us enter with cheerful confidence upon the labors awaiting us in the future.

JOHN BIGLER.

City of Vallejo, January 3, 1853.

Mr. Keene moved that five thousand copies of the message and accompanying documents be printed in English, and one thousand copies of the message in Spanish.

Mr. Roach moved as an amendment, to print five hundred in Spanish, which was accepted by the mover.

Mr. Hubbs moved as an amendment, to print two thousand copies in English, and two hundred and forty copies in French, Spanish, and in German, provided the cost does not exceed that of the English.

On which the ayes and nays were demanded by Messrs. Hubbs and Lind, with the following result:

AYES.

Messrs. Crabb, Denver, Messrs. Hubbs, Roach—4.

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Coffroth,	McKibben,
Gruwell,	Ralston,
Hager,	Smith,
Hudspeth,	Snyder,
Keene,	Wade,
Kurtz,	Walkup—17.
Lind,	

So the amendment was lost.

Mr. Hubbs moved as an amendment, to print twenty-five hundred copies of the message in English.

And the question being taken on the largest number first, (5,000,) it was lost by the following vote:

AYES.

Messrs. Denver,	Messrs. Ralston,
Keene,	Snyder,
Lott,	Wade—7.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Kurtz,
Crabb,	Lind,
Coffroth,	McKibbin,
Gruwell,	Roach,
Hager,	Smith,
Hubbs,	Walkup—14.

Mr. Lyons moved to print four thousand copies of the message in English, and five hundred in Spanish.

On which the ayes and nays were demanded by Messrs. Hubbs, Gruwell, and McKibben, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
Gruwell,	Lyons,
Hager,	Ralston,
Hudspeth	Roach,
Keene,	Smith,
Kurtz,	Snyder,
Lind,	Wade—14.

NAYS.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Mckibben,
Crabb,	Walkup—6.

So the amendment was carried. And the motion thus amended, was adopted.

Mr. Crabb offered a resolution to refer that portion of the Governor's Annual Message having reference to, and recommending ammendments to the Constitution, to a select committee of five.

On motion of Mr. Ralston, the resolution was laid on the table for the present.

Mr. Hubbs gave notice that he would introduce, at an early day—

A bill for an Act in relation to the Judiciary Fund.

An act to repeal An Act creating the office of Superintendent of Public Buildings.

An Act in relation to Hospitals for the Sick, and to establish an Asylum for the Insane.

An Act in relation to the Revenues of the State.

An Act to prevent Monopolies that tend to produce Famine.

On motion of Mr. Ralston, the Senate adjourned to 11 o'clock to-morrow.

IN SENATE.

THURSDAY, January 6, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lind gave notice that he would introduce, at an early day, a bill for an Act to re-apportion the Senatorial and Assembly districts.

Mr. Coffroth gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an Act relative to Port Wardens in San Francisco, Sacramento, and other ports of California.

Mr. Keene introduced a joint resolution to adopt the Joint Rules and Orders of the last, for the government of this, Legislature; which was read and passed.

On motion of Mr. Hubbs, it was—

Resolved, That the Committee on Contingent Expenses make the necessary arrangement for the receipt and conveyance of letters and other mailable matter, subject to the approval of the Senate.

Mr. Lott gave notice that he would, at the proper time, move for leave to introduce—

A Bill amendatory of, and supplementary to, the act entitled "An Act to regulate Proceedings in civil cases, in Courts of Justice of this State."

An Act to authorize certain officers and other persons to administer oaths.

An Act adpropriating twenty-five hundred dollars for the contingent expenses of the Senate during its present session.

On motion of Mr. Roach, Mr. De la Guerra was granted leave of absence for eight days, from the 5th inst.

The President announced the following

STANDING COMMITTEES.

On Claims—Lott, Catlin, and McKibben.

On Finance—Hubbs, Sprague, Estell, Foster, and Ralston.

On the Judiciary—Ralston, Sprague, Denver, Hager, Lott, Crabb, Coffroth, Smith, and Hubbs.

On Elections—Crabb, Snyder, and Hudspeth.

On Public Lands—Estell, Synder, Lyons, Kurtz, and Coffroth.

On Commerce and Navigation—Roach, Denver, Walton, Catlin, and Hager.

Public Expenditures—Denver, Lyons, Keene, Roach, and Foster.

On Federal Relations—Coffroth, Baird, and Keene.

On State Hospitals—Keene, Lind, Foster, Snyder, and Hudspeth.

On Mines and Mining Interests—Walton, McKibben, Lind, Catlin, Lyons, Walkup, and Coffroth.

On Indian Affairs—Sprague, De la Guerra, Wade, Foster, and Kurtz.

On State Prison and Public Buildings—Snyder, Kurtz, Roach, Lyons, and De la Guerra.

On Education and State Library—McKibben, Crabb, and Hager.

On Counties and County Boundaries—Smith, Denver, and Lott.

On Corporations—Hager, Estell, Ralston, Keene, and Hubbs.

On Missions and Mission Lands—De la Guerra, Foster, Gruwell, Hudspeth, and Roach.

On Public Printing—Foster, Wade, and Walkup.

On Roads and Highways—Walkup, Crabb, and Wombough.

On Contingent Expenses—Hudspeth, Gruwell, and Hubbs.

On Military Affairs—Denver, Wade, and Estell.

On Engrossed Bills—Lyons, Crabb, Smith, and Lott.

On Enrolled Bills—Lind, Walton, McKibben, and Roach.

Mr. Keene, on leave, introduced a bill for an act entitled "An Act to fix the time of holding Court in the eleventh judicial district," which was read a first and second time; the rules were suspended; it was considered, engrossed, read a third time, and passed.

On motion of Mr. Keene, the Joint Rules and Orders of both Houses were ordered printed, with the Standing Rules of the Senate. (See Appendix No. 9.)

Mr. Crabb gave notice that he would, on to-morrow or an early day thereafter, introduce—

A bill to be entitled "An Act to secure settlers a Pre-emption right to the Overflowed and Swamp Lands of this State." And

An Act granting further time to Sheriffs and County Treasurers to make settlement of Delinquent Taxes.

On motion of Mr. Lott, the Standing Committees were ordered printed, with the Senate Rules of Order.

Mr. Hubbs, agreeable to notice, introduced a bill for an act to repeal An Act creating the office of Superintendent of Public Buildings, which was read the first time, and objections being made to a second reading by Mr. Smith, it was laid over under the rule.

Mr. Ralston introduced a resolution apportioning the Governor's Message as follows:

Resolved, That all such parts of the Governor's Message as relates to the finance of the State, and to revenue and taxation, be referred to the Committee on Finance. All such parts as relate to the Penitentiary, and to a contract for the erection of the same, be referred to the Committee on the State Prison and Public Buildings. All such parts as refer to State Hospitals, be referred to the Committee on State Hospitals. All such parts as refer to Agriculture and to Swamp Lands, be referred to the Committee on Agriculture, Missions and Mission Lands. All such parts as refer to Public Lands, and to donations thereof to actual settlers, be referred to the Committee on Public Lands. All such parts as relate to Schools and the Superintendent of Public Instruction, be referred to the Committee on Education. All such parts as relate to Mineral Lands and to mines of precious metals, be referred to the Committee on Mines and Mining Interests. All such parts as relate to the United States Board of Land Commissioners, and to the confirmation of Private Land Claims, be referred to the Committee on Federal Relations. All such parts as relate to Beach and Water Lots, be referred to the Committee on Commerce and Navigation.

The resolution was laid upon the table temporarily, Mr. Crabb being absent.

Mr. Lind moved to adjourn to 11 o'clock to-morrow. Lost.

On motion of Mr. Coffroth, the resolutions offered by Mr. Ralston and by Mr. Crabb, were taken from the table.

On motion of Mr. Ralston, the following was struck out of his resolution: "All such parts of the message as relate to amendments to the Constitution, and such parts as relate to conveying prisoners to the Penitentiary, be referred to the Committee on the Judiciary."

The resolution was then adopted.

On motion of Mr. Crabb, the resolution offered by him yesterday, to wit: That all that portion of the Governor's Annual Message having reference to and recommending amendments to the Constitution, be referred to a select committee of five, with leave to report by bill or otherwise, was adopted.

The President announced as the committee, Messrs. Crabb, Ralston, Coffroth, Snyder, and Lott.

Hon. E. F. Keene, President, pro tem., in the chair.
Mr. Smith offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to prepare two desks, with seats for the accommodation of reporters.

Adopted.

The following resolution, offered by Mr. Ralston, was adopted:

Resolved, That all such parts of the Governor's Message as relate to Judicial Districts, and all such parts as refer to District Attorneys and their pay or salary, and all such parts as refer to convicting prisoners to the Penitentiary, be referred to the Committee on the Judiciary.

On motion of Mr. McKibben, it was:

Resolved, That the Sergeant-at-Arms be instructed to make arrangements for furnishing Senators with five copies of such daily California newspapers as they may select.

On motion of Mr. Lind, the Senate adjourned to 11 o'clock to-morrow.

IN SENATE.

FRIDAY, January 7, 1853.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Thursday was read and approved.
Mr. Ralston gave notice that he would, at an early day, ask leave to introduce a bill for An Act to amend the Act to provide for the lien of Mechanics and others.
Mr. Lind gave notice that he would introduce at an early day, certain amendments to An Act to Fund the indebtedness of Calaveras county, and to provide for the payment thereof.
On motion of Mr. Lyons, the Secretary was empowered to appoint a Clerk to record the Senate Journals.
Mr. Lott introduced a resolution, which was adopted, referring the reports of the Comptroller and State Treasurer to the Committee on Finance; the report of the Commissioners of the Overland Emigration, to the Committee on Claims; the State Prison Documents to the Committee on State Prison

and Public Buildings; the report of the Superintendent of Public Instruction, to the Committee on Education; the report of the Surveyor General to the Committee on Counties and County Boundaries; with instructions to each committee to report the number of copies to be printed.

Mr. Kurtz gave notice that he would, at an early day, introduce a bill relative to the Pilots of the port of San Diego.

Mr. Smith gave notice that he would, at an early day, introduce a bill amending the Act to regulate proceedings in Criminal Cases. Also a bill for An Act revising and amending the act concerning the Courts of Justice in this State, and Judicial Officers.

Mr. De la Guerra moved that a committee of three be appointed, to procure the translation into Spanish of the Governor's Message, and the reports of the Comptroller and Treasurer of State.

The motion was adopted, and the President announced as such committee, Messrs. De la Guerra, Roach, and Foster.

Mr. Coffroth, on leave, introduced a joint resolution granting four months' leave of absence to John C. Hays, Sheriff of San Francisco county, which was read a first and second time, the rules suspended, considered, engrossed, read a third time, and passed.

A message was received informing the Senate that the Assembly passed, yesterday, Senate joint resolution adopting the Rules and Orders of the last, for the government of the present, Legislature.

And a joint resolution to appoint a select committee of five, to act in conjunction with a like number from the Senate, to investigate the circumstances of the passage of a law, at the last session of the Legislature, entitled "An Act providing for the erection of a State Prison;" and had appointed Messrs. Hoff, McCandless, Snyder, Conness, and Canney, on the part of the Assembly.

And passed this day, "An Act to fix the time of holding Courts in the Eleventh Judicial District."

The joint resolution accompanying the message was read a first and second time, when,

On motion of Mr. Keene, it was laid on the table.

Assembly bill for "An Act fixing the time of holding Courts in the Eleventh Judicial District," was read first and second time, and referred, on motion of Mr. Keene, to the Judiciary Committee.

On motion of Mr. Hubbs, it was

Resolved, That the resolution to supply Senators with five daily papers, be construed to allow Senators to select weekly, or the weekly papers not to exceed in the aggregate cost that of the five daily papers.

Mr. Crabb gave notice that he would at an early day introduce a bill to be entitled "An Act providing for the erection of a State Prison, and declaring null and void the present State Prison Contract."

Also, a bill for "An Act to prevent frauds in Elections."

Mr. Coffroth, agreeably to notice, introduced a bill for "An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California," which was read first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Smith gave notice that he would at an early day introduce "An Act to fund the present debt of Sutter county."

Mr. Gruwell gave notice that at an early he would introduce a bill for "An Act to encourage the settlement and to secure the improvement of the wild and unoccupied lands."

Mr. Lyons laid before the Senate a communication from the Mayor of Benicia, tendering to the Senate and Assembly, on behalf of the City Council, the gratuitous use of the City Hall at Benicia as a State House, in case the Legislature should deem it expedient to remove from Vallejo. The communication and resolutions accompanying the same were read, and

On motion of Mr. Lyons, laid upon the table.

Mr. Lott, agreeably to notice, introduced "An Act appropriating twenty-five hundred dollars for the contingent expenses of the Senate during its present session," which was read first and second time, and

On motion of Mr. Hubbs, referred to the Committee on Contingent Expenses.

On motion of Mr. Roach, Mr. Estill was granted five days leave of absence.

Mr. Hubbs, on leave, introduced a bill for "An Act in relation to the contingent expenses of the Legislature," which was read first and second time and referred to the Committee on Contingent Expenses.

On motion of Mr. Crabb, Mr. Wade was granted leave of absence during his present sickness.

Mr. Lott, agreeably to notice, introduced a bill for "An Act authorizing certain officers and other persons to administer oaths," which was read first and second time, when,

On motion of Mr. Lind, the rules were suspended, it was considered engrossed, read a third time and passed.

Mr. Keene moved that as to-morrow will be the 8th of January, that when the Senate adjourn, it meet on Monday next, 12 o'clock.

Agreed to.

Mr. Hubbs, agreeable to notice, introduced a bill for "An Act in relation to State Hospitals for the Sick, and to establish an Asylum for the Insane," which was read a first and second time, when,

On motion of Mr. Lind, it was referred to the Committee on State Hospitals.

Mr. Ralston gave notice that at an early day he would introduce a motion to amend the 38th Rule of the Senate.

Mr. Hubbs moved to appoint a committee of three on mileage, which was agreed to, and the President appointed, as the committee, Messrs. Hubbs, Lyons and Foster.

The Senate refused to excuse Mr. Hubbs from serving on the committee.

Agreeable to notice, Mr. Hubbs introduced a bill for "An Act to prevent monopolies that tend to produce famine," which was read first and second time and referred to the Judiciary Committee.

Mr. Snyder introduced a resolution to refer to a select committee that portion of the Governor's message relative to the Beach and Water Lot property of San Francisco; the reference having been already made to the Committee on Commerce and Navigation, Mr. Snyder, on leave, withdrew his resolution; when,

On motion of Mr. Hubbs, Messrs. Snyder and Baird were added to that committee.

On motion of Mr. Crabb, the Senate took a recess for fifteen minutes.

On re-assembling, a message was received, informing the Senate that the Assembly this day passed a concurrent resolution, appointing a joint committee to confer with H. G. Vallejo in reference to the Capitol, and had appointed on the part of the Assembly, Messrs. Van Dyke, Crenshaw and Conness.

The resolution accompanying the message was taken under consideration.

Mr. Crabb moved to strike out all after the word "Vallejo," in the 8th line.

Mr. Smith moved to adjourn, on which Messrs. Hubbs and Lind demanded the Ayes and nays, with the following result:

AYES.

Messrs.	Baird,	Lind,
	Catlin,	Lott,
	Denver,	Lyons,
	De La Guerra,	McKibbin,
	Hagar,	Ralston,
	Hudspeth,	Smith,
	Keene,	Snyder—14.

NAYS.

Messrs.	Crabb,	Kurtz,
	Coffroth,	Roach,
	Foster,	Walkup—7.
	Hubbs,	

So the Senate adjourned till 12 o'clock, Monday.

IN SENATE.

MONDAY, January 10, 1853.

The Senate was called to order by the Secretary at 1 o'clock, P. M.

After prayer by the Rev. Mr. Woodbridge, on motion of Mr. Hubbs, Mr. Lyons took the chair.

Mr. Coffroth moved that the Senate take a recess till 3 P. M., there ngbei no quorum present, which was agreed to.

At 3 P. M. Mr. Lyons called the Senate to order, a quorum being present. The Journal of Friday last was read and approved.

Mr. Ralston, from the Judiciary Committe, reported back without amendment Assembly bill for "An Act to fix the time of holding Courts in the 11th Judicial District," and recommended its passage. The report was adopted, the bill read a third time and passed.

Mr. Hubbs, from the Committee on Contingent Expenses, to whom had been referred a bill for "An Act appropriating twenty-five hundred dollars for the Contingent Expenses of the Senate during its present Session," and a bill for "An Act in relation to the Contingent Expenses of the Legislature," reported as a substitute for both, a bill for "An Act in relation to supplies of fuel and other contingent expenses of the Legislature.," The report was accepted and the bill laid upon the table.

Mr. Hubbs submitted the following report:

Mr. President:

The Committee on Finance respectfully report, that in their opinion there should be printed for the use of the Senate one thousand copies of the report of the Comptroller of State, and one thusand copies of that of the State Treasurer. The report was adopted and the printing so ordered.

Mr. McKibbin introduced the following resolution:

Resolved, That B. Frank Keene, of El Dorado, be unanimously declared President, *pro tem.*, of the Senate, for the ensuing session. Unanimously adopted.

Mr. Lott, from the Committee on claims, to whom was referred the consideration of the report of the Commissioners of the Overland Emigration, reported that the Committee are of the opinion that one thousand copies of said report should be printed for the use of the Senate. The report was adopted and the printing so ordered.

Hon. B. Frank Keene, President *pro tem.*, in the chair.

Agreeable to notice Mr. Ralston introduced a bill for "An Act to amend an Act passed April 12th, 1850, to provide for the lien of Mechanics and others," which was read first and second time, and on motion of Mr. Lott, referred to Judiciary Committee.

Mr. Crabb, agreeable to notice, introduced a bill to be entitled "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," which was read first and second time, and on motion of Mr. Dana, referred to Committee on Public Buildings.

Mr. Hubbs, on leave, introduced a bill for "An Act authorizing the purchase of a Press for a Seal of State," which was read first and second time.

Mr. Lott moved to amend by adding an additional section as follows:

"Section 2. The Comptroller is hereby required to draw his warrant upon the General Fund for the payment of the expenses incurred under this Act," which was agreed to, the bill read a third time and passed.

Mr. Kurtz, ugreeable to notice, introduced a bill for "An Act relating to San Diego Pilots, which was read a first and second time and referred to the Committee on Commerce and Navigation.

On motion of Mr. Coffroth, Assembly concurrent resolution to appoint a Joint Committee to inquire into the whole matter of the location of the Capital at Vallejo, and the present relation of the State with M. G. Vallejo, was taken under consideration.

Mr. Coffroth moved the indefinite postponement of the resolution.

Mr. Smith moved to lay the resolution on the table, on which the ayes and noes were demanded by Messrs. Hubbs, Coffroth and Roach, with the following result.

AYES.

Messrs. Catlin,	Messrs. Lott,
Denver,	Lyons,
Foster,	McKibben,
Gruwell,	Ralston,
Hudspeth,	Smith,
Keene,	Snyder,
Kurtz,	Walkup—15.
Lind,	

NAYS.

Messrs. Crabb,	Messrs. Hubbs,
Coffroth,	Roach,
De la Guerra,	Wade—6.

So the resolution was laid upon the table.

On motion of Mr. McKibben, the Senate adjourned.

IN SENATE.

TUESDAY, January 11, 1853.

The Senate met pursuant to adjournment.

President *pro tem.* in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Hon. M. M. Wombough, Senator from Yolo and Colusi, this day appeared and took his seat.

A message was received informing the Senate that the Assembly passed, on yesterday, a joint resolution of instruction to our Senators, in reference to the establishment of mail routes in the northern part of this State. The resolution was read a first and second time, when on motion of Mr. Denver, the rules were suspended; it was read a third time and passed.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly engrossed "An Act authorizing the purchase of a Press for the Seal of State." Report adopted.

Mr. Lyons, from the same Committee, reported as correctly engrossed "An Act to authorize certain officers and other persons to administer oaths." Report adopted.

Mr. Ralston, agreeable to notice, introduced the following resolution:

Resolved, That the thirty-eighth rule of the Senate be rescinded.

On which the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Lind, with the following result:

AYES.

Messrs. Catlin,	Messrs. Kurtz,
Coffroth,	Lind,
De la Guerra,	Lyons,
Foster,	Ralston,
Gruwell,	Roach,
Hubbs,	Walkup
Hudspeth	Wombough—15.
Keene,	

NAYS.

Messrs. Denver,	Messrs. Snyder,
Lott,	Wade—5.
Smith.	

So the rule was rescinded.

Mr. Ralston gave notice at an early day he would ask leave to introduce a bill for "An Act to legalize certain records in the county of Sacramento."

The bill for "An Act in relation to the supplies of fuel and other contingent expenses of the Legislature," was, on motion of Mr. Hubbs, taken under consideration.

The bill was read a first and second time, when on motion of Mr. Hubbs, the blank for the contingent expenses of the Assembly was filled with the sum of five thousand dollars.

The bill was then read a third time and passed.

On motion of Mr. Smith the Secretary of State was instructed to furnish the Senate immediately with the different reports mentioned in the Governor's message.

A bill for "An Act to repeal An Act creating the office of Superintendent of Public Buildings," was read the second time, and referred to the Judiciary Committee.

Assembly concurrent resolution to inquire into the whole matter of the location of the Capital at Vallejo was taken under consideration.

Mr. Crabb offered a substitute, to appoint a committee of three from

each House, to confer with M. G. Vallejo, relative to the existing relations between himself and the State, and to receive proposals from the said Vallejo.

Mr. Lott moved an amendment, that the Committee report to the Senate on Friday next, and that the whole subject be made the special order of that day.

On motion of Mr. Roach, the resolution was laid upon the table.

Mr. Lott moved that the resolution be made the special order for to-morrow, at 12 o'clock; agreed to. Mr. Lyons moved to adjourn; Lost.

On motion of Mr. Lott, it was

Resolved, That the Chairmen of the Standing Committees of the Senate be authorized to employ such clerks as they may deem necessary to forward the business of the session: *Provided*, the Judiciary Committee be exempt from this resolution.

A communication was received from the Secretary of State, stating that the reports required of him by resolution of the Senate to-day, are not in his possession.

Mr. Hubbs submitted the following:

Mr. President:

The Committee on Mileage report the following as the number of miles "by nearest mail route," from the residence of Senators to the place where the session of the Legislature is held, and returning therefrom. (See Appendix No. 10.)

On motion of Mr. Lott, the mileage of Mr. Lyons was changed from three hundred and sixty-five to four hundred and fifty miles.

With this amendment the report was adopted.

On motion of Mr. Smith, the Senate adjourned to 11 o'clock to-morrow.

IN SENATE.

WEDNESDAY, January 12, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read, when

Mr. Hubbs moved to amend the Journal in reference to the report of the Committee on Mileage.

Mr. Keene moved a reconsideration of the vote on the adoption of the report, which was agreed to. And

On motion of Mr. Ralston, the report was re-committed.

Mr. Lott gave notice that he would, at an early day, ask leave to introduce a bill for "An Act to regulate the fees of office, and to repeal an Act of like title, passed May 1, 1851."

Mr. McKibben offered the following:

Resolved, That the Secretary of the Senate is hereby authorized to employ assistance, whenever it is necessary, to expedite the business of the Senate.

Mr. Keene offered an amendment, that provided the amount of compensation to be allowed shall be determined by the Senate.

The amendment was accepted, and the resolution thus amended was adopted.

Mr. Baird, on leave, introduced a joint resolution granting leave of absence to Hon. Hugh C. Murray; which was read a first and second time, and referred to the Judiciary Committee, with instructions to report the same back to-morrow.

The hour of twelve having arrived, the President announced as the special order of the day, Assembly concurrent resolution to appoint a joint committee to inquire into the whole matter of the location of the Capital at Vallejo; and the substitute thereto offered by Mr. Crabb.

The Senate proceeded to the consideration of the same.

Mr. Crabb, on leave, withdrew the substitute.

On motion of Mr. Keene, the original communication from Gen. Vallejo to the Joint Committee of the last Legislature, the report of said committee, and the Joint Resolution to cancel and annul the bond of General Vallejo and others with the State, were then read.

Mr. Coffroth renewed his motion to postpone the resolution indefinitely.

Mr. Crabb moved, as an amendment, that the whole subject matter of the adjournment of this session of the Legislature from Vallejo to any other city, town or place, be indefinitely postponed.

Mr. Coffroth accepted the amendment.

Mr. Lyons moved that the Senate non-concur in the resolution.

Ruled out of order.

The Chair also ruled the amendment of Mr. Crabb out of order.

Mr. Lyons then moved to amend the resolution by striking out all after the word Vallejo, on the eighth line; on which Messrs. Coffroth, Hubbs and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lott,
Denver,	Lyons,
Foster,	McKibben,
Hager,	Ralston,
Hudspeth,	Smith,
Keene,	Snyder,
Kurtz,	Wombough—16.

NAYS.

Messrs. Crabb, Messrs. Hubbs,
Coffroth, Roach,
De la Guerra, Wade,
Gruwell, Walkup—8.

So the amendment was agreed to.

Mr. Hubbs moved further to amend the resolution by adding—

That all acts or resolutions in relation to the permanent Seat of Government be made the special order of the day for the 7th day of February next; and also that it is inexpedient to hold the present session of the Legislature at any other place than the town of Vallejo.

Mr. Keene rose to a point of order, which he stated as follows:

That the amendment is not in order, because it is irrelevant, and because a vote of the Senate will not decide the concurrent resolution.

The point of order was overruled by the Chair.

The question recurring on the amendment, the ayes and nays were demanded by Messrs. Hubbs, Keene and Lyons, with the following result:

AYES.

Messrs. Crabb, Messrs. Lind,
Coffroth, Ralston,
De la Guerra, Roach,
Gruwell, Wade,
Hubbs, Walkup—11.
Hudspeth,

NAYS.

Messrs. Baird, Messrs. Lott,
Catlin, Lyons,
Denver, McKibben,
Foster, Smith,
Hager, Snyder,
Keene, Wombough—13.
Kurtz,

So the amendment was lost.

Mr. Coffroth was granted leave to change his vote to the negative.

Mr. Coffroth gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Coffroth moved to lay the subject on the table till to-morrow; on which, Messrs. Coffroth, Hubbs and Kurtz, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Coffroth,
Denver,
De la Guerra,
Gruwell,
Hubbs,
Hudspeth,
Lind,
Roach,
Walkup—11.

NAYS.

Messrs. Crabb,
Foster,
Hager,
Keene,
Kurtz,
Lott,
Lyons,
McKibben,
Ralston,
Smith,
Snyder,
Wade,
Wombough—13.

So the motion was lost.

Mr. Crabb then offered the following substitute to the Assembly resolution as amended.

That Vallejo is the Capital of the State, and that it would be bad policy and contrary to the interests of the State, to adjourn the present session of the Legislature to any other place than said city or town.

On which, Messrs. Crabb, Hubbs and Keene, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,
Crabb,
Coffroth,
De la Guerra,
Gruwell,
Hubbs,
Hudspeth,
Lind,
Ralston,
Roach,
Wade,
Walkup,
Wombough—13.

NAYS.

Messrs. Baird,
Denver,
Foster,
Hager,
Keene,
Kurtz,
Lott,
Lyons,
McKibben,
Smith,
Snyder—11.

So the substitute was adopted.

Mr. Crabb rose and inquired of the Chair, if the vote just taken passed the resolution or substitute.

The Chair decided that the adoption of the substitute was equivalent to its passage.

Mr. McKibben presented a petition from Richard Brown and J. C. Smith, praying the Legislature to grant them a Charter for the Downieville and Yuba River Toll Road and Bridge Company, for a period of —— years, with the right of erecting bridges at any point necessary to the best interests of said road. Which was laid upon the table.

Mr. McKibben gave notice that, at an early day, he would introduce a bill for "An Act to construct a Wagon Road from a point called Ramirez Saw Mill, in Yuba county, to a point on the eastern boundary of the State, in the county of Sierra, and to regulate the toll to be collected on the same."

Mr. Coffroth asked leave to change his vote from the negative to the affirmative, on the motion to adopt Mr. Hubbs' amendment. Which was granted.

Mr. Crabb, agreeable to notice, introduced a bill for "An Act granting to Sheriffs further time for final settlement."

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Coffroth, the Senate adjourned.

IN SENATE.

THURSDAY, January 13, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read, and on the question of approval, Messrs. Crabb, Coffroth and Lyons, demanded the ayes and noes, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Lyons,
Crabb,	McKibben,
Coffroth,	Ralston,
De la Guerra,	Roach,
Foster,	Smith,
Hager,	Wade,
Hubbs,	Walkup,
Hudspeth,	Wombough—18.

NAYS.

Messrs. Kurtz, Lind—2.

Mr. Estill was excused from voting.

So the Journal was approved.

Mr. Ralston, from the Judiciary Committee, on leave, reported a bill for an Act to repeal an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved March 27, 1852; which was read first and second time, the rules were suspended, it was considered, engrossed, read a third time and passed.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to fix the time of holding Courts in the Eleventh Judicial District;" also "Joint Resolution of Instructions to our Senators, in reference to mail routes in the southern part of the State."

Report adopted.

Mr. Crabb, from the majority of the Judiciary Committee, reported back joint resolution granting Hon. Hugh C. Murray leave of absence, and recommended its passage, with an amendment.

The report was laid on the table.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed, substitute for Senate bills three and five, entitled "An Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature."

Report adopted.

Mr. Roach, from the Committee on Commerce and Navigation, reported back a bill for "An Act relating to San Diego Pilots," with a substitute.

The report was accepted, and laid upon the table.

A message was received informing the Senate that the Assembly had passed, on yesterday,

Senate joint resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco county. Also,

Senate bill for "An Act authorizing the purchase of a Press for the Seal of State;" and have amended the same as therein shown.

And passed Assembly bills—

"An Act to repeal the fourteenth section of an Act entitled an Act to Fund the Indebtedness of the State." Also,

"An Act to set apart five thousand dollars to meet the current contingent expenses of the Assembly."

"An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

Assembly amendment to Senate bill for "An Act authorizing the purchase of a Press for the Seal of State," was

On motion of Mr. Lott, concurred in; and the bill, as amended, read a third time, and passed.

Assembly bill for "An Act to set apart five thousand dollars to meet the current contingent expenses of the Assembly," was read a first and second time; and

On motion of Mr. Hubbs, referred to the Finance Committee.

Assembly bill for "An Act requiring the Comptroller to audit certain

bills of the members of the present Legislature," was read a first and second time.

Mr. Coffroth moved to indefinitely postpone the bill. Lost.

On motion of Mr. Hubbs, it was referred to the Committee on Finance.

Assembly bill for "An Act to repeal the fourteenth section of an Act entitled an Act to Fund the indebtedness of the State which has accrued, or may accrue, from April 29, 1851 to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds," was read a first and second time, and referred to the Finance Committee.

Mr. Keene gave notice that he would on to-morrow, or at an early day thereafter, introduce a bill to amend an Act concerning Crimes and Punishments.

Mr. Roach, on leave, introduced an Act entitled "An Act to ratify an Ordinance passed by the Council of the city of Benicia;" which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Baird gave notice that at an early day he would introduce a bill entitled "An Act to exempt Firemen from Jury duty."

On motion of Mr. Smith, Mr. McKibben was granted two days' leave of absence.

Mr. Smith introduced the following resolution:

Resolved, That the Judiciary Committee be authorized to elect a Clerk.

Adopted.

Mr. Crabb presented to the Senate, in the name of the author, a "Map of the State of California," and a "Map of San Joaquin River," by Charles Drayton Gibbs.

On motion of Mr. Keene, the maps were accepted, and the thanks of the Senate returned to the donor.

Mr. Hubbs in the Chair.

Mr. Gruwell, agreeable to notice, introduced a bill for "An Act to Encourage the Settlement and Secure Improvements on Wild and Unoccupied Lands."

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Coffroth, one hundred and fifty copies were ordered printed.

On motion of Mr. Ralston, the votes on the passage and third reading of a bill for "An Act to repeal the Act entitled an Act concerning Courts of Justice of this State and Judicial Officers," approved March 27, 1852, was reconsidered.

Mr. Ralston submitted the following amendment:

"*Provided*, This Act shall not affect the rights, duties, and powers of any person or persons heretofore appointed to office by virtue of the provisions of the Act hereby repealed."

Which, on motion of Mr. Lyons, was adopted, and the bill, as amended, read a third time and passed.

On motion of Mr. Coffroth, Assembly Joint Resolution to appoint a Committee of five from each house to investigate the circumstances of the passage of the Act providing for the erection of a State Prison," was taken from the table.

On motion of Mr. Ralston, the resolution was read a third time and passed, and the Select Committee of the Senate on the same subject were appointed to act with the Committee of the Assembly.

Mr. Ralston, from the minority of the Judiciary Committee, to whom had been referred the Joint Resolution granting leave of absence to Hon. Hugh C. Murray, submitted the following report, which was accepted.

A minority of the Committee on the Judiciary, to which was referred the Joint Resolution to grant Hugh C. Murray, one of the Justices of the Supreme Court, leave of absence from the State, beg leave to submit the following report. (See Appendix No. II.)

On motion of Mr. Crabb, the report submitted by the majority, as follows:

Mr. President:

The Judiciary Committee, to whom was referred a joint resolution granting leave of absence to Hon. Hugh C. Murray, have had the same under consideration, and herewith report it back to the Senate, with an amendment, and recommend its passage.

And the joint resolution was taken from the table.

The amendment reported by the majority, to strike out six months and insert five months, was agreed to.

The joint resolution was then read a third time, and the question recurring on its passage, the ayes and nays were demanded by Messrs. Ralston, Foster and Crabb, with the following result.

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Kurtz,
Crabb,	Lind,
Coffroth,	Lott,
De la Guerra,	Roach,
Hager,	Smith—12.

NAYS.

Messrs. Denver,	Messrs. Ralston,
Foster,	Snyder,
Gruwell,	Wade,
Hubbs,	Walkup,
Hudspeth,	Wombough—11.
Lyons,	

So the resolution was passed.

On motion of Mr. Foster the Senate adjourned.

IN SENATE.

FRIDAY, January 14, 1853.

The Senate met pursuant to adjournment.

President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of yesterday was read and approved.

Mr. Wade presented the petition of citizens of Tuolumne and Mariposa counties, praying for the erection of a new county from territory now embraced in both of those counties, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Lyons, from the Committee on Engrossed Bills, reported as correctly engrossed, substitute for Assembly resolution to appoint a committee to confer with M. G. Vallejo, in reference to the location of the Capital.

Also, joint resolution granting leave of absence to the Hon. Hugh C. Murray.

Also, bill for an Act to repeal the Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers, approved March 27, 1852.

The report was adopted.

Mr. Hubbs, from the Committee on Finance, to whom was referred Assembly bill for an Act to repeal the fourteenth section of an Act entitled "An Act to fund the indebtedness of the State, which has accrued or may accrue from April twenty-ninth, eighteen hundred and fifty-one to December thirty first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of the Three per cent. Bonds,' reported the same back, and recommended its rejection.

The report was accepted and laid on the table.

Mr. Ralston from the Committee on the Judiciary, reported that they had elected H. B. Keyser as Clerk of that committee, and that he had entered upon the discharge of his duties.

The report was adopted.

Mr. Hubbs, from the Committee on Mileage, submitted the following report. (See Appendix, No. XII.)

A communication was received from the Governor, transmitting the Annual Report of the Attorney General of State. (See Appendix 74.)

On motion of Mr. Ralston, the report was accepted and referred to the Judiciary Committee.

The following communication was received from the Governor; which was read and laid on the table:

EXECUTIVE DEPARTMENT,
City of Vallejo, Jan. 14, 1853.

To the Senate of the State of California:

During the recess of the Senate, I made the following appointments, which by law are required to be submitted for confirmation by the Senate:

G. W. Ryckman, Flour Inspector for the State of California.

W. H. Hoburg, Inspector of Wines and Liquors, to reside at San Francisco.

Moses E. Flanegan, Commissioner of Emigrants for the Port of San Francisco.

George Simptom *vice* Robert J. Waterman, Port Warden for the Port of San Francisco.

Thomas N. Cazneau *vice* George S. Parker, Port Warden for the Port of San Francisco.

William C. Pease, John Walsh and H. Harrison, Pilots for the Port of Benicia.

JOHN BIGLER.

Mr. Crabb gave notice that he would, at an early day, introduce a bill for "An Act concerning Elections."

Mr. Snyder gave notice that he would, on to-morrow, introduce a bill "To prevent the establishment of Pest Houses within the limits of any town or city in this State."

Mr. Crabb, on leave, introduced a bill for "An Act to amend section ninety of an Act entitled an Act concerning the Courts of Justice of this State, and Judicial Officers, passed March 11, 1851;" which was read a first and second time, and

On motion of Mr. Lott, referred to the Judiciary Committee.

Mr. Snyder introduced a joint resolution for the call of a Miners' Convention, which was read a first and second time, and referred to the Committee on Mines and Mining Interests.

Mr. Lott moved to take up the Governor's communication relating to appointments, which was not agreed to.

Mr. Wombough gave notice that he would, at an early day, introduce a bill for an Act to provide for compensating owners of private property appropriated to the use of corporations.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his signature, "An Act to fix the time of holding Court in the Eleventh Judicial District;" also "Joint Resolution of instructions to our Senators, in reference to mail routes in the northern part of this State."

The report was adopted.

A communication was received from the Governor, informing the Senate that he had this day approved "An Act to fix the time of holding Court in the Eleventh Judicial District in this State." Also, "Joint Resolution in relation to the establishment of Post Offices and Post Routes in the northern part of this State."

Mr. Lind in the chair.

Mr. Keene, on leave, introduced a bill for an act to amend "An Act concerning Crimes and Punishments, passed April 16, 1851," which was read a first and second time, and

On motion of Mr. Lott, referred to the Judiciary Committee.

Mr. Hager gave notice that he would, at an early day, introduce a bill to provide for the redemption of lands sold for taxes under an act entitled

"An Act to provide for levying, assessing, and collecting public revenue, approved April 23, 1852."

Mr. Gruwell submitted the following resolution:

Resolved, That when the Senate adjourn on this day, it will adjourn to meet on Monday next at 12 o'clock, M.

Mr. Coffroth moved to amend the resolution by striking out "Monday" and inserting "Saturday," which was not agreed to.

The question recurring on the passage of the resolution, the ayes and nays were demanded by Messrs. Coffroth, Walkup and Wombough, and it was decided in the affirmative by the following vote.

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Denver,	Ralston,
Gruwell,	Roach
Hager,	Smith,
Hudspeth,	Snyder,
Keene,	Wade—15.
Lind,	

NAYS.

Messrs. Crabb,	Messrs. Hubbs,
Coffroth,	Walkup,
Foster,	Wombough—6.

On motion of Mr. Ralston, leave of absence was granted to Mr. Keene until Friday next.

On motion of Mr. Hubbs, "Assembly bill for an act to repeal the fourteenth section of an act entitled an Act to fund the indebtedness of the State, which has accrued or may accrue from April twenty ninth, eighteen hundred and fifty-one, to December thirty-first, eighteen hundred and fifty-two, inclusive, and to provide for the payment of the three per cent. bonds," was taken from the table and read a third time.

Mr. Hubbs moved that the bill be rejected.

Mr. Catlin moved to lay the whole matter on the table, and that it be made the special order for Monday next, at 12, M., which was agreed to.

Mr. Smith submitted the following resolution:

Resolved, That the Secretary of State be instructed to furnish each member of the Senate with a copy of the Statutes of 1850, and that the Committee on Contingent Expenses be authorized to arrange with said Secretary of State for the purchasing of a sufficient number of copies of the same to supply said members during the present session: *Provided*, they do not cost more than five dollars per copy.

Adopted.

Mr. Ralston, agreeably to notice, introduced a bill for "An Act to legalize certain Records of Deeds in the county of Sacramento." which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Lott, the communication of the Governor in relation to certain appointments, was taken from the table and referred to a select committee of five.

The Chair appointed as such committee, Messrs. Lott, Hager, Snyder, Denver and Lyons.

Mr. Lyons moved that the Secretary retain until Monday, Senate substitute for Assembly resolution to appoint a committee to confer with M. G. Vallejo, in reference to the location of the Capital, &c., which was agreed to.

On motion of Mr. Lott, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, January 17, 1853.

Senate met pursuant to adjournment.

After prayer by Rev. Mr. Woodbridge,

On motion of Mr. Hubbs, Mr. Lind took the Chair, and called the Senate to order.

There not being a quorum present,

On motion of Mr. Hubbs, the Senate took a recess until 3 P. M.

Hon. R. T. Sprague, Senator from Shasta and Siskiyou, this day appeared in his seat.

The President called the Senate to order at 3 P. M.

The Journal of Friday was read and approved.

On motion of Mr. Lind, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, January 18, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Denver presented the petition of Dr. J. D. Monnett for medical services rendered to emigrants who were sick at a relief post on Carson river.

The petition was read, and

On motion of Mr. Denver, referred to the Committee on Claims, with the statement accompanying it.

Mr. Snyder presented the petition of Messrs. Smith, Brothers & Co., of San Francisco, for a re-issue of $1,380 50 of Comptroller's Warrants, destroyed in the fire of third and fourth of May, 1851, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Crabb presented the annual report of the Trustees of the Stockton State Hospital; which was received, and

On motion of Mr. Lind, two hundred and forty copies ordered printed.

Mr. Hubbs, from the Finance Committee, reported back Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature," and recommended its passage with an amendment.

The report was accepted and laid on the table.

Mr. Lind, from the Committee on Enrollment, reported as correctly enrolled,

"Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco county;" and

"An Act authorizing the purchase of a press for the Seal of State."

Report adopted.

A communication was received from the Secretary of State, transmitting, in obedience to law, the papers in the case of J. W. Robinson vs. D. B. Kurtz, contested seat in the Senate; which,

On motion of Mr. Lind, were referred to the Committee on Elections.

Mr. Crabb, agreeably to notice, introduced a bill for "An Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State," which was read a first and second time, and,

On motion of Mr. Denver, referred to the Committee on Public Lands.

On motion of Mr. Crabb, two hundred and fifty copies of the bill were ordered printed.

Mr. Smith, agreeably to notice, introduced a bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers," which was read a first and second time, referred to the Judiciary Committee; and,

On motion of Mr. Smith, two hundred and fifty copies ordered printed.

A message was received from the Governor, transmitting a report of the vacancies filled by him since the last session of the Legislature, as follows:

A. C. Monson, Judge of Sixth District, vice Lewis Aldrich, resigned.

County Judges.

Robert B. Shenell, Judge of Sonoma County, vice [illegible], resigned.
Henry C. Hume, Judge of San Joaquin County, vice Wm. A. Ebert, deceased.
E. W. Roberts, Judge of Nevada County, vice [illegible], elected.
R. M. Brown, Judge of San Luis Obispo County, vice W. J. Graves, resigned.

Hospital Officers.

J. C. Palmer, Trustee of the State Marine Hospital at San Francisco.
T. H. Selden, Trustee of the State Marine Hospital at San Francisco.
John McDougal, Trustee of the State Marine Hospital at San Francisco.
H. M. Gray, Trustee of the State Marine Hospital at San Francisco.
Alexander Campbell, Trustee of the State Marine Hospital at San Francisco.

Military Officers.

Wm. C. Kibbe, Quartermaster General; the Legislature having failed to elect.

And that the following offices are to be filled by the Legislature at its present session, to wit:

Presidents, and Visiting Physicians and Trustees for the several State Hospitals, and a Quartermaster General of the State.

The communications were referred to Messrs. Lott, Harper, Snyder, Dewey and Lyons, the select committee appointed on a former day.

Mr. Lind in the chair.

Mr. Smith, agreeably to previous notice, introduced a bill amending the "Act to Regulate Proceedings in Criminal Cases," which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Crosby, two hundred and fifty copies were ordered printed.

Mr. Snyder, agreeably to notice, introduced a bill to prevent the establishment of Pest Houses in any town or city in this State, which was read a first and second time, and referred to the Committee on State Hospitals.

On motion of Mr. [illegible], the rule ordering two hundred and fifty copies of bills printed, was suspended, and two hundred and fifty copies were ordered printed of the bills this day introduced.

On motion of Mr. Crosby, Mr. Flower was granted leave of absence until Tuesday.

Mr. [illegible] introduced a resolution, which was adopted, instructing the

Secretary of the Senate to procure from the Secretary of State the unfinished business of the last session.

Mr. Kurtz moved to take from the table the bill relating to San Diego Pilots, and the report of the committee thereon; which was agreed to.

The substitute reported by the committee was adopted, read a third time, and passed.

A message was received informing the Senate that the Assembly passed, on the 14th inst., Senate, bill, "An Act to authorize certain Officers and other persons to Administer Oaths," with amendments.

Mr. Hubbs offered an amendment to Assembly amendment number one, which was adopted.

On motion of Mr. Crabb, Assembly amendment number two was concurred in.

On motion of Mr. Coffroth, Assembly bill for "An Act to repeal the Fourteenth Section of an Act entitled an Act to Fund the Indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the Three per cent. Bonds," made the special order for yesterday at 12, M., was taken under consideration.

The bill was read a third time, and the question being, "Shall the bill be now passed?"

The ayes and nays were demanded by Messrs. Coffroth, Hubbs and Lott, and it was decided in the negative by the following vote:

AYES.

Messrs. Catlin, Gruwell, Mr. Lind—3.

NAYS.

Messrs. Baird, Crabb, Coffroth, Denver, Foster, Hubbs, Kurtz, Lott, Lyons, Roach, Smith, Snyder, Wade, Walkup, Wombough—15.

Mr. Smith moved to take from the table Assembly bill for "An Act requiring the Comptroller to audit certain Bills of the members of the present Legislature."

Not agreed to.

Mr. Smith moved to adjourn. Lost.

On motion of Mr. Denver, the Senate took a recess until 3, P. M.

The President called the Senate to order at 3, P. M.

Mr. Lyons moved that the Secretary be instructed to retain Senate substitute to Assembly resolution, "to appoint a joint committee to inquire into

the whole matter of the location of the Capital at Vallejo," until further ordered.

The President ruled the motion out of order.

Mr. Lyons appealed from this decision; and, on the question "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Coffroth, Hubbs, and Sprague, with the following result:

AYES.

Messrs. Catlin,	Messrs. Ralston,
Crabb,	Roach,
Coffroth,	Snyder,
Foster,	Sprague,
Hager,	Wade,
Hubbs,	Walkup,
Hudspeth,	Wombough—14.

NAYS.

Messrs. Denver,	Messrs. Lott,
Gruwell,	Lyons,
Kurtz,	Smith—7.
Lind,	

So the decision of the Chair was sustained.

Mr. Smith moved to take up the report of the Committee on Finance upon Assembly bill for "An Act requiring the Comptroller to audit certain Bills of the members of the present Legislature."

Which was lost, no quorum voting.

Mr. Lind moved to adjourn. Lost.

Mr. Lind in the chair.

Mr. Crabb gave notice that he would introduce, at an early day, a bill to be entitled "An Act to repeal an Act entitled an Act to provide for the appointment of a Gauger for the port of San Francisco, approved May 3d, 1852."

Mr. Smith moved to take up the report of the Committee on Finance upon Assembly bill for "An Act requiring the Comptroller to audit certain Bills of the members of the present Legislature."

And the ayes and nays were demanded by Messrs. Smith, Wade, and Foster, with the following result:

AYES.

Messrs. Crabb,	Messrs. Kurtz,
Coffroth,	Lott,
Denver,	Lyons,
Gruwell,	Smith,

Messrs. Hager,
Hubbs,
Messrs. Wade,
Walkup—12.

NAYS.

Messrs. Catlin,
Foster,
Hudspeth
Lind,
Ralston,
Messrs. Roach,
Snyder,
Sprague,
Wombough—9.

So the bill was taken from the table.

Mr. Roach moved the indefinite postponement of the bill.
Mr. Smith moved to amend.
The Chair ruled the motion of Mr. Smith out of order.
The Senate, on motion of Mr. Hager, adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, January 19, 1853.

Senate met pursuant to adjournment.
President in the Chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Tuesday was read and approved.
Mr. Ralston, from the Judiciary Committee, reported back with an amendment a bill for "An Act to amend an Act concerning crimes and punishments, passed April 16th, 1850."
The report was laid upon the table.
Mr. Ralston, from the same committee, reported back with amendments a bill for "An Act to legalize certain records of deeds in the county of Sacramento," which was laid upon the table.
Mr. Hubbs, from the Judiciary Committee, reported back without amendment, a bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings," and recommended its passage.
The report was laid upon the table.
Mr. Lott submitted the following report, which was laid upon the table.

Mr. President:

The Select Committee, to whom was referred the communications of the Governor, notifying the Senate that he had made certain appointments which are, by virtue of law, to be confirmed by the Senate, having had the same under careful consideration, beg leave to report: that they are unanimously of the opinion that each and every of the nominations and appointments made by the Executive are in accordance with law, and that no reason exists to prevent their confirmation by the Senate.

Your Committee therefore recommend that the nominations and appointments contained in the two communications from his Excellency the Governor be confirmed by the Senate.

All of which is respectfully submitted.

CHARLES F. LOTT,
Chairman.

VALLEJO, *January* 19, 1853.

The Senate proceeded to the consideration of the unfinished business of yesterday, being "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

Mr. Ralston in the chair.

The question was taken on the motion of Mr. Roach, to postpone indefinitely the bill, and lost.

Mr. Hubbs moved the adoption of the amendment, reported by the Committee as follows:

Amend Section 1, by inserting after the word "received" in line 4, the words following, viz: "After payment of such of the three per cent. bonds as were presented for payment on or before the first day of January, 1853, in accordance with an Act to fund the indebtedness of the State which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds."

On which the ayes and nays were demanded by Messrs. Sprague, Hubbs and Wombough, and the amendment was lost by the following vote:

AYES.

Messrs. Baird,
Coffroth,
De la Guerra,
Foster,
Hager,
Hubbs,
Hudspeth,
Ralston,
Roach,
Snyder,
Sprague—11.

NAYS.

Messrs. Catlin,
Crabb,
Estill,
Gruwell,
Kurtz,
Lind,
Lott,
Lyons,
Smith,
Wade,
Walkup,
Wombough—12.

Mr. Hager moved to amend by striking out in the third line the words "general fund" and inserting "unappropriated moneys;" on which Messrs. Hager, Baird and Wombough demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Hudspeth,
Coffroth,	Ralston,
De la Guerra,	Roach,
Foster,	Snyder,
Hager,	Walkup—11.
Hubbs,	

NAYS.

Messrs. Catlin,	Messrs. Lott,
Crabb,	Lyons,
Estill,	Smith,
Gruwell,	Sprague,
Kurtz,	Wade,
Lind,	Wombough—12.

Mr. Sprague moved to amend by inserting in the seventh line of Section first, after the word *each*, "And the pay of the officers of both Houses of the Legislature the sum of three hundred dollars each," which was agreed to.

Mr. Smith moved to amend section first by striking out the proviso and inserting—

Provided, If there should not be so much in the Treasury at any one time, then each member and officer shall receive a *pro rata* proportion from time to time until he has received the full sum to which he is entitled under this Act.

On motion of Mr. Crabb the third section of the bill was struck out.

Mr. Foster moved a call of the Senate, on which Messrs. Coffroth, Hubbs and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
De la Guerra,	Ralston,
Foster,	Roach,
Hager,	Walkup—9.
Hubbs,	

NAYS.

Messrs. Catlin,	Messrs. Lind,
Crabb,	Lott,
Estill,	Smith,
Gruwell,	Sprague,
Hudspeth,	Wade,
Kurtz,	Wombough—12.

So the call was not sustained.

Mr. Lind moved the previous question, on which Messrs. Coffroth, Hubbs and Foster demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Crabb,	Smith,
Gruwell,	Sprague,
Kurtz,	Wade,
Lind,	Wombough—11.
Lott,	

NAYS.

Messrs. Coffroth,	Messrs. Hubbs,
Denver,	Hudspeth,
De la Guerra,	Ralston,
Estill,	Roach,
Foster,	Walkup—11.
Hager,	

There being a tie vote, the Secretary, by order of the Chairman, Mr. Ralston, took the vote of the President, who was then in the Senate chamber, and who voted under protest in the negative. So the previous question was not sustained.

The question was then taken on the third reading of the bill, and the ayes and nays were demanded by Messrs. Hubbs, Walkup and Hager, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lind,
Crabb,	Lott,
Estill,	Smith,
Gruwell,	Sprague,
Hudspeth,	Wade,
Kurtz,	Wombough—12.

NAYS.

Messrs. Coffroth, Denver, De la Guerra, Foster, Hager, Hubbs, Lyons, Ralston, Roach, Snyder, Walkup—11.

So the bill, was ordered to a third reading.

Mr. Smith moved to adjourn. Lost.

The question then recurring on the passage of the bill Messrs. Coffroth, Wombough and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Estill, Gruwell, Hudspeth, Kurtz, Lind, Lott, Smith, Sprague, Wade, Wombough—11.

NAYS.

Messrs. Baird, Crabb, Coffroth, Denver, De la Guerra, Foster, Hager, Hubbs, Lyons, Ralston, Roach, Snyder, Walkup—13.

There being a tie vote, the Secretary, by direction of the Chair, (Mr. Ralston,) called the name of the President, who was in the Senate chamber, and who voted under protest in the negative.

So the Senate refused to pass the bill.

Mr. Crabb was granted leave to change his vote to the negative.

Mr. Crabb gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee had this day presented to the Governor for his signature—

Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco county. And also—

An Act authorizing the purchase of a Press for the Seal of State.

Report adopted.

A message was received informing the Senate that the Assembly passed, on yesterday, Senate Bill for "An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature." Also,

Assembly bill, an Act to repeal an Act entitled "An Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1, 1852."

An Act to repeal the Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers, approved March 27, 1852."

Assembly bill, an Act to repeal an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers, approved March 27, 1852," was read a first and second time and referred to the Judiciary Committee.

Assembly bill for an Act to repeal an Act entitled "An Act to authorize the fuding of the debt of the county of El Dorado, and to provide for the payment of the same, approved May 1, 1852;" was read a first and second time, and referred to the Committee on Finance.

A message was received from the Governor, informing the Senate that he had this day approved "An Act authorizing the purchase of a Press for the Seal of State."

On motion of Mr. Crabb, the memorial presented by him from the settlers on the overflowed and swamp lands of San Joaquin county, was taken from the table and referred to the Committee on Public Lands.

Mr. Sprague gave notice that he would on to morrow or an early day thereafter, ask leave to introduce a bill for an Act to amend the fourteenth section of an Act entitled "An Act concerning the office of County Treasurers, passed March 27, 1850."

Mr. Hager, on leave, introduced a bill for an Act to repeal the thirty-seventh section of the Act entitled "An Act to provide for levying, assessing and collecting Public Revenue," which was read a first and second time, and on motion of Mr. Estill, referred to the Committee on Finance, with instructions to report to morrow.

Mr. Lind in the Chair.

Mr. Kurtz gave notice that he would at an early day introduce a bill granting power to W. N. Walton & Co. to construct a line of telegraph from the Bay of San Diego to the Bay of San Francisco.

Mr. Crabb gave notice that he would introduce on to morrow or some day thereafter, a bill to be entitled "An Act supplementary to an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State, and to provide for their support. Approved May 3, 1852."

Mr. Coffroth introduced a resolution requesting the clerks of the various standing committees to act in the same capacity for the select committees, which was lost by a tie vote.

A communication was received from the Secretary of State, informing the Senate that the Statutes required by the Senate by resolution of the 14th instant, could only be procured at one book store in San Francisco, and at a cost of twelve dollars per volume.

The communication was read and laid upon the table.

Mr. Hubbs offered a resolution, that the chairmen of select committees have the same power to employ temporary clerks as the chairmen of standing committees; which was lost.

President in the chair.

The Senate, on motion of Mr. Lott, went into executive session, and the chamber was cleared by order of the President.

teenth Section of an act entitled "An Act concerning the office of County Treasurers, passed March 27, 1850," which was read twice, and

On motion of Mr. Hubbs, referred to the Committee on Finance.

Mr. Ralston, on leave, introduced a "Joint Resolution in relation to Public Lands."

Which was read a first and second time, considered, engrossed, read a third time and passed.

The Chair appointed as the committee required by the joint resolution, on the part of the Senate, Messrs. Ralston, Sprague and Estill.

Mr. Smith moved to take from the table an Act to repeal "An Act creating the office of Superintendent of Public Buildings."

Which was agreed to.

Mr. Smith moved to recommit the bill to the Judiciary Committee.

Mr. Hubbs moved to refer it to the Committee on Finance.

Which was not agreed to.

The bill was then referred to the Committee on the Judiciary. And,

On motion of Mr. Hubbs, they were instructed to report to-morrow.

The following communication was received from the State Board of Education, and read.

OFFICE OF STATE BOARD OF EDUCATION,
Vallejo, January 20, 1853.

To the Senate and Assembly:

From official information received at this office, it appears that there has accrued to the credit of the School Fund, and subject to distribution for the support of schools in the State, up to the present time, eighteen thousand two hundred and eighty-nine dollars, thirty-two cents.

By reference to "An Act to establish a System of Common Schools," it will be seen that the distribution of school money in each county is required to be made by the County Superintendent, and that the duties of such an officer are defined, without creating the office. In view of this fact, the Board do not feel authorized to take any steps in the premises without some legislative action, as to the manner in which the distribution of said money shall be made, all of which is respectfully submitted.

(Signed.) JOHN BIGLER,
JOHN G. MARVIN,
W. M. EDDY,

State Board of Education.

On motion of Mr. Hubbs, the communication was referred to the Committee on Education.

Agreeably to notice, Mr. Crabb moved a reconsideration of the vote by which Assembly bill for "An Act requiring the Comptroller to audit certain Bills of the members of the present Legislature," was rejected.

Which was agreed to, and the vote was reconsidered.

The question was then taken on the passage of the bill; and

The ayes and nays were demanded by Messrs. Ralston, Hubbs and Coffroth, with the following result:

AYES.

Messrs. Catlin, Crabb, Estill, Gruwell, Hudspeth, Kurtz, Lind, Lott, Smith, Sprague, Wade, Wombough—12.

NAYS.

Messrs. Baird, Coffroth, Foster, Hager, Hubbs, Ralston, Roach, Snyder, Walkup—9.

So the bill was passed.

Mr. Coffroth was granted leave to change his vote to the affirmative.

Mr. Coffroth gave notice that on to-morrow he would move a reconsideration of the vote.

The Chair ruled the notice out of order, as the vote on the passage of the bill had once been reconsidered.

Mr. Coffroth appealed from this decision, and demanded the ayes and nays.

Mr. Coffroth moved a call of the Senate; and

The ayes and nays were demanded by Messrs. Coffroth, Baird and Hubbs, with the following result:

AYES.

Messrs. Baird, Coffroth, Foster, Hager, Hubbs, Ralston, Roach, Walkup—8.

NAYS.

Messrs. Catlin, Crabb, Estill, Gruwell, Hudspeth, Kurtz, Lind, Lott, Smith, Snyder, Sprague, Wade, Wombough—13.

So the Senate refused to sustain the call.

Mr. Lott moved to lay the appeal from the decision of the Chair on the table; on which

The ayes and nays were demanded by Messrs. Coffroth, Walkup and Foster, with the following result:

AYES.

Messrs. Catlin, Crabb, Estill, Gruwell, Hudspeth, Kurtz, Lind, Lott, Smith, Snyder, Sprague, Wade, Wombough—13.

NAYS.

Messrs. Baird, Coffroth, Foster, Hager, Hubbs, Ralston, Roach, Walkup—8.

So the appeal was laid upon the table.

Mr. Sprague gave notice that he would on to-morrow, or at an early day thereafter, ask leave to introduce a bill for an act entitled an Act amendatory of "An Act concerning Licenses, approved May 4th, 1852."

Mr. Kurtz, agreeably to notice, introduced an Act to provide for the construction of a Line of Telegraph between the Port of San Diego and the Port of San Francisco.

Which was read a first and second time, and referred to the Committee on Corporations. And

Two hundred copies ordered printed.

Mr. Smith gave notice that he would, at an early day, introduce a bill to Fund the Indebtedness of the State, which has accrued or may accrue from December 31, 1852, to December 31, 1853, inclusive.

Mr. Coffroth was granted leave to change his vote to the negative, on the passage of Assembly bill for An Act requiring the Comptroller to audit certain bills of the members of the present session of the Legislature.

Mr. Lott in the chair.

Mr. Kurtz gave notice that he would introduce, at a convenient time a Bill for the relief of Thomas Berdue.

A message was received informing the Senate that the Assembly passed, on yesterday, Senate Joint Resolution granting leave of absence to Judge H. C. Murray.

And passed this day—

An Act explanatory of the duties of Sheriffs, and rights of Redemptioners, under the thirty-seventh section of the "Act to provide for the Levying, Assessing and Collecting, Public Revenue, passed April 23d, 1852."

The act was read twice; and,

On motion of Mr. Wombough, referred to the Judiciary Committee.

Mr. Crabb, from the Engrossing Committee, reported as correctly en-

grossed, Senate amendments to Assembly bill, An Act requiring the Comptroller to Audit certain Bills of the members of the present Legislature.

Report adopted.

Mr. Ralston moved to take from the table a bill for "An Act to Legalize certain Records of Deeds in the county of Sacramento."

Which was agreed to.

The report of the committee was read, the amendments concurred in, and the bill ordered engrossed for a third reading.

On motion of Mr. Ralston, a bill for An Act to amend "An Act concerning Crimes and Punishments, passed April 16th, 1850," was taken from the table.

The amendments reported by the committee were concurred in, and the bill ordered engrossed for a third reading.

Mr. Crabb, from the Committee on Engrossment, reported as correctly engrossed, a bill for An Act to amend the Thirty-seventh Section of "An Act to provide for Levying, Assessing and Collecting, Public Revenue."

The report was adopted; the bill read a third time and passed.

On motion of Mr. Baird, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, January 21, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Denver presented the memorial of Robert E. Woods, for compensation for services as County Judge of Klamath county, and moved its reference to the Committee on Claims.

The memorial was read and so referred.

Mr. Kurtz presented the petition of Thomas Berdue, praying relief for cash paid out and injury sustained by reason of unlawful prosecutions against him in this State in 1851.

Which was read and referred, on motion of Mr. Coffroth, to the Committee on the Judiciary.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed a bill for "An Act to legalize certain Records of Deeds in the county of Sacramento;" and

"Joint Resolution in relation to Public Lands."

The report was adopted.

Mr. Hubbs, from the Judiciary Committee, reported back bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings."

The report was accepted, and laid upon the table.

Mr. Hager, from the Judiciary Committee, reported back the bill for "An Act to provide for the redemption of lands sold for taxes," with an amendment.

The report was accepted, and laid upon the table.

The bill was afterwards taken up on motion of Mr. Hubbs, the amendment concurred in, the bill read a third time, and passed.

The President laid before the Senate the Report of the Superintendent of Public Buildings;

Which was read, and on motion of Mr. Hubbs, referred to the Committee on Public Buildings.

Mr. Denver introduced the following resolution:

Resolved, That the Committee on Indian Affairs be directed to inquire into and report to the Senate, at an early day, the existing and past state of affairs between the Indian and white population of the northern portion of the State; and also what has been done by the United States troops towards suppressing Indian depredations in that region.

Adopted.

Mr. Crabb introduced the following resolution:

Resolved, That the Committee on Public Expenditures be authorized to examine the books and accounts of the Comptroller and Treasurer of State, with power to send for persons and papers.

Mr. Hubbs moved that the resolution be referred to the Committee on Finance.

Mr. Lott moved to lay it on the table.

The question was first taken on Mr. Lott's motion and lost.

The question recurring on Mr. Hubbs' motion, it was also lost.

Mr. Hubbs then moved to refer the resolution to the Committee on Public Expenditure.

Which was lost.

The question was then taken on the adoption of the resolution, on which the ayes and nays were demanded by Messrs. Lott, Lyons, and Hubbs, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	Kurtz,
Coffroth,	Roach
Denver,	Smith,
De la Guerra,	Wade,
Gruwell,	Wombough—14.

10

NAYS.

Messrs. Foster,	Messrs. Ralston,
Hubbs,	Snyder,
Lott,	Sprague,
Lyons,	Walkup—8.

So the resolution was adopted.

A message was received, informing the Senate that the Assembly on yesterday concurred in the Senate amendment to Assembly amendment to Senate bill for "An Act to authorize certain officers and other persons to administer oaths."

And passed a concurrent resolution to appoint a Joint Select Committee to draft a memorial to Congress in reference to mail routes in different parts of this State.

And refused to pass Senate bill for "An Act to amend the Thirty-seventh Section of the Act to provide for levying, assessing, and collecting the Public Revenue."

The resolution accompanying the message was concurred in, and the Chair appointed as the committee on the part of the Senate, Messrs. Wombough and Baird.

Mr. Lott gave notice that he would ask leave to introduce a bill for "An Act to amend an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852."

Mr. Smith asked leave of absence for Mr. McKibben, for six days from last Monday. Which was granted.

A bill for "An Act to legalize certain records of deeds in the county of Sacramento," was read a third time and passed.

Mr. Ralston introduced the following resolution:

Resolved, That the Committee on Federal Relations be instructed to prepare and report to the Senate, at an early day, a memorial to Congress, asking,

First. For the immediate repeal of the Act of Congress entitled "An Act to ascertain and settle the private land claims in the State of California," approved March 3d, 1851.

Second. To pass an Act conferring power on the United States District Courts of this State, to ascertain and settle all Spanish and Mexican Land Grants in this State, according to the principles of law and equity and of the Treaty of Hidalgo; which Act shall, in its details and principal provisions, be based upon and correspond to the provisions of the several Acts, "To authorize the United States District Courts in the States of Florida, Louisiana, Missouri, and Arkansas, to hear and determine all applications for the confirmation of land grants within the said States."

On motion of Mr. Ralston, the resolution was laid upon the table, and made the special order of the day for Tuesday next, at 12, M.

On motion of Mr. Hubbs, the special committee to investigate the circumstances of the passage of the Act to provide for the erection of a State Prison, were allowed to employ a Clerk during the term of their investigation.

Mr. Sprague in the chair.

Mr. Crabb, agreeably to notice, introduced a bill for An Act to repeal "An Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May 3d, 1852," which was read twice, and

On motion of Mr. Hubbs, referred to the Committee on Commerce and Navigation.

Mr. Smith moved that when the Senate adjourn, it will meet on Monday at 12 o'clock.

On which, Messrs. Hubbs, Roach and Coffroth demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Denver,	Messrs. Smith,
Lott,	Wombough—5.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Ralston,
Crabb,	Roach,
Coffroth,	Snyder,
Foster,	Sprague,
Gruwell,	Wade,
Hager,	Walkup—14.

Mr. Hager, from the Judiciary Committee, reported back with amendments, Assembly bill, An Act explanatory of the duties of Sheriffs, and rights of Redemptioners under the thirty-seventh section of the "Act to provide for the Levying, Assessing and Collecting, Public Revenue, passed April 23, 1852."

The amendments were concurred in, and the bill read a third time and passed.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed, a bill for An Act to amend "An Act concerning Crimes and Punishments, passed April 16, 1850."

Report adopted.

Mr. Crabb introduced a concurrent resolution to allow the members of either House the privilege of being present, and examining the witnesses before the joint committee to investigate the circumstances of the passage of the Act to provide for the erection of a State Prison.

The resolution was passed, when

Mr. Kurtz moved that Mr. Coffroth be excused from serving on said committee.

Which was not agreed to.

A message was received informing the Senate that the Assembly this day passed Senate bill for an Act to repeal the Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers, approved March 27, 1852." And that

The Assembly concurred in the amendment of the Senate to Assembly bill, An Act explanatory of the duties of Sheriffs, and the rights of Re-

demptioners, under the thirty seventh section of the "Act to provide for the Levying, Assessing and Collecting, Public Revenue, passed 23d April, 1852."

Mr. Hubbs moved to adjourn. Lost.

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, January 22, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

A message was received, informing the Senate that the Assembly on yesterday reconsidered their vote of concurrence in Senate amendments to Assembly bill for "An Act explanatory of the duties of Sheriffs and rights of redemptioners under an Act to provide for levying, assessing and collecting [illegible]," [illegible] April [illegible], 1852, and refused to concur; and [illegible] Messrs. [illegible]denfeldt and McMe[illegible].

[illegible] a committee of conference on the disagreeing vote of the two Houses, which was agreed to; and the Chair appointed on the part of the Senate, Messrs. Hager and Crabb.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed a bill for "An Act to provide for the redemption of lands sold for taxes," and a Concurrent Resolution authorizing any member of either House to be present at the meetings of the Joint Committee appointed to investigate the manner of passing the State Prison law.

Report adopted.

Mr. Smith gave notice that he would, at an early day, introduce a bill to abolish joint tenancies in this State.

Mr. Coffroth submitted the following resolution, which was adopted:

Resolved, That the Committee on Finance be instructed to report, on Monday morning, the per diem allowance of the officers of the Senate.

Mr. Hubbs moved to reconsider the vote, which was not agreed to.

On motion of Mr. Hubbs, the report of the committee on the bill for "An

Act to repeal an Act creating the office of Superintendent of Public Buildings," was taken from the table. The amendment reported by the committee was concurred in. The bill ordered engrossed for a third reading.

Mr. Lott, agreeably to notice, introduced a bill for "An Act to amend an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852," which was read twice; when,

On motion of Mr. Crabb, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Catlin gave notice that at an early day he would introduce a bill for "An Act to amend an Act entitled an Act concerning Corporations," passed April 22, 1850.

Mr. Lind moved to adjourn. Lost.

Mr. Smith moved, that when the Senate adjourn, it will meet on Monday next, at 3, P. M., which was agreed to.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed a bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office."

Report adopted.

A message was received, informing the Senate that the Assembly passed, yesterday, "An Act to provide for the redemption of Comptroller's warrants drawn payable out of the General Fund;" and

"An Act to attach Signor or Mare Island to Solano county."

Assembly bill for "An Act to attach Signor or Mare Island to Solano county," was read twice,

And referred, on motion of Mr. Lyons, to the Committee on Counties and County Boundaries.

Mr. Lyons in the chair.

Assembly bill for "An Act to provide for the redemption of Comptroller's warrants drawn payable out of the General Fund," was read twice; and,

On motion of Mr. Foster, referred to the Committee on Finance.

A message was received, informing the Senate that the Assembly this day refused to adopt Senate Concurrent Resolution allowing the members of either House to go before the Joint Committee investigating the circumstances of the passage of the State Prison Law; and that the Assembly had adopted the report of the Committee of Conference upon the disagreeing votes of the two Houses on Assembly bill for "An Act explanatory of the duties of Sheriffs and rights of redemptioners under an Act to provide for levying, assessing and collecting Public Revenue, passed April 23, 1852."

Mr. Hager, from the Committee of Conference on the part of the Senate, submitted a report, which,

On motion of Mr. Crabb, was concurred in.

Mr. Coffroth was excused from serving on the Joint Committee to investigate the circumstances of the passage of the State Prison Law.

The Senate refused to excuse Mr. Roach from serving on the same committee.

On motion of Mr. Ralston, the vote relieving Mr. Coffroth was re-considered, and the Senate refused to excuse him from serving on the committee.

Mr. Roach, from the Committee on Enrollment, reported as correctly en-

rolled, "Joint Resolution granting leave of absence to Hon. Hugh C. Murray;" also,

"An Act explanatory of the duties of Sheriffs and rights of redemptioners;" and

"An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

The report was adopted.

The President announced that he had this day signed "An Act explanatory of the duties of Sheriffs and rights of redemptioners."

Report adopted.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed "An Act to amend an Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852."

The President announced that he had this day signed a "Joint Resolution granting leave of absence to Hon. Hugh C. Murray;" and a bill for

"An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

A message was received from the Assembly, informing the Senate that the Governor this day approved Assembly bill explanatory of the duties of Sheriffs and rights of redemptioners under tax sales.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Monday, January 24, 1853.

Senate met pursuant to adjournment.

President *pro tem.*, in the chair.

After prayer by Rev. Mr. Woodbridge,

The Journal of Saturday last was read and approved.

Mr. Hubbs from the Finance Committee, to whom was referred the resolution requiring the committee to report the per diem allowance of the officers of the Senate, submitted a report which was read, and

On motion of Mr. Lott, laid upon the table.

Mr. Roach, from the Joint Committee on Enrollment, reported that the committee, this day, presented to the Governor for approval.

"An Act requiring the Comptroller to audit certain bills of the members of the present Legislature;" also,

"Joint resolution granting leave of absence to Hon. Hugh C. Murray."

Report adopted.

Mr. Sprague introduced a Concurrent Resolution to appoint a Joint Select Committee of the two houses on the subject of apportioning the Senatorial and Assembly districts of this State, which was read and laid upon the table.

On motion of Mr. McKibben, the petition of Richard Brown, and J. C. Smith, for a charter for the "Downieville and Yuba River Toll Road and Bridge Company," was taken from the table and referred to the Committee on Corporations.

A message was received informing the Senate, that the Assembly passed on the 22d instant, Senate bill for "an Act relating to San Diego Pilots."

Mr. Crabb, on leave, introduced a bill for "an Act authorizing the purchase of one hundred and fifty copies of Gibbes' Map of California," which was read a first and second time, when

Mr. Lott moved its reference to the Committee on Counties and County Boundaries, which was agreed to.

On motion of Mr. Catlin, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, January 25, 1853.

Senate met pursuant to adjournment.

President, *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Coffroth presented the petition of the Board of Supervisors of Tuolumne County, praying the Legislature to pass a law to fund the debt of said county, and moved its reference to the Tuolumne delegation, which was agreed to.

Mr. Lott, from the Committee on Claims, submitted the following report. (See Appendix, No. 13.)

The report was accepted, the bill read twice, and

On motion of Mr. Sprague, referred to the Judiciary Committee.

A message was received from the Governor, informing the Senate that he, this day, approved "Joint Resolution to allow four months' leave of absence to John C. Hays, Sheriff of San Francisco County;" also "Joint Resolution granting leave of absence to Hon. Hugh C. Murray."

Mr. Sprague moved to take from the table Concurrent Resolution for the organization of a Joint Select Committee of the two houses, on the subject of apportioning the Senatorial and Assembly districts of the State, which was agreed to.

Mr. Crabb moved to strike out the following words—*the census as taken by the State in the year* 1852.

Mr. Sprague moved to amend the amendment, by inserting after 1852, the following words—*and the census as taken by the United States Congress in* 1850—which was lost.

The question was then taken on Mr. Crabb's motion, and it was lost.

On motion of Mr. Ralston, the word *three* was struck out and *five* inserted.

The resolution was further amended on motion of Mr. Sprague, and passed.

The Chair announced as the Committee on the part of the Senate, Messrs. Sprague, McKibben, Walkup, Foster and Gruwell.

Mr. Sprague, agreeably to notice, introduced a bill for "an Act amendatory of an Act entitled an Act concerning Licenses," approved May 4th, 1852; which was read twice, and

On motion of Mr. Lott, referred to the Finance Committee, with instructions to print as many copies as they may deem advisable.

Mr. Lott, from the Committee on Counties and County Boundaries, reported back Assembly bill to attach Mare Island to Solano County, and recommended its passage.

The report was adopted, the bill read a third time and passed.

On motion of Mr. Coffroth, the special order of the day being a resolution to instruct the Committee on Federal Relations to report a memorial to Congress, asking the repeal of the Act to settle private land claims in this State, was laid upon the table temporarily.

Mr. Coffroth moved that the report of the Finance Committee on the per diem allowance of the officers of the Senate, be taken from the table; which was agreed to.

After some discussion,

On motion of Mr. Lind, the whole matter was re-committed to a special committee of three, with instructions to report to-morrow.

The chair appointed as the committee, Messrs. Lind, Wade and Lott.

President in the chair.

The special order of the day as above recited, was then taken under consideration, and the resolution was adopted.

On motion of Mr. Keene, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, January 26, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Coffroth presented the petition of certain citizens of San Francisco, praying relief for Thomas Golding; which was read and referred to the Committee on Claims.

Mr. Coffroth presented the petition of citizens of Tuolumne county, praying the passage of a law authorizing the creditors of the county to exchange their claims for funded bonds of the county; which was referred to the Tuolumne delegation.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed Concurrent Resolution for the organization of a Joint Select Committee of the two Houses on the subject of apportioning the Senatorial and Assembly Districts of the State.

Mr. Roach, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to repeal an Act concerning Courts of Justice of this State and Judicial Officers," approved March 26, 1852; also,

"An Act relating to San Diego Pilots;" also,

"An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature."

The report was adopted.

Mr. Lott, from the Judiciary Committee, reported back the bill for "An Act to fix the compensation of all County Judges where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and recommended its passage without amendment.

The report was accepted and laid upon the table.

Mr. Lott, from the special committee to whom was re-committed the report of the Finance Committee on the per diem allowance of the officers of the Senate, submitted a report, which was read, and,

On motion of Mr. Hubbs, laid upon the table.

Mr. Snyder, from the Select Committee to whom had been referred that portion of the Governor's message relating to amendments to the Constitution, submitted a minority report, (see Appendix, 16,) which was read, and,

On motion of Mr. Lott, laid upon the table.

Mr. Coffroth, from the same committee, submitted a minority report, which he read, (Appendix, 16,) and,

On motion, it was laid upon the table.

Mr. Crabb, chairman of the Select Committee, also submitted a minority report, which he read, (Appendix, 16,) and,

On motion, it was laid upon the table.

Mr. Crabb also reported a bill for "An Act recommending the electors

to vote for or against calling a convention to revise and change the entire Constitution of this State; which was read twice, when

Mr. Keene moved that the bill be referred to the Committee on Public Expenditures.

Mr. Crabb moved an amendment to Mr. Keene's motion, that the committee be instructed to report on Tuesday next; which was accepted.

The question was taken on Mr. Keene's motion as amended, and the ayes and nays were demanded by Messrs. Coffroth, Lind, and Hubbs, with the following result:

AYES.

Messrs. Catlin,	Messrs. Ralston,
Crabb,	Roach,
Denver,	Smith,
Estill,	Snyder,
Foster,	Sprague,
Gruwell,	Wade,
Keene,	Walkup,
Lyons,	Wombough—17.
McKibben,	

NAYS.

Messrs. Coffroth,	Messrs. Lind,
Hager,	Lott—5.
Hubbs,	

So the motion was adopted.

A message was received from the Assembly, informing the Senate that the Governor had approved, on yesterday, Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

Mr. Sprague introduced the following resolution:

Resolved, The Assembly concurring, That the Governor be and he is hereby authorized and requested, for and in behalf of the State, to demand of and receive from Gen. M. G. Vallejo, any and all moneys that may be now due, or hereafter become due, the State from the said M. G. Vallejo, under his proposition to pay to the State certain sums of money for specific objects, or for any other purpose submitted to the Legislature of this State at its first session, and presented in the Senate, April 2d, 1850, in the form of a "Memorial of Gen. Vallejo and others, relative to the permanent Seat of Government," subsequently acted upon by both Houses, and formally accepted in the passage of a law approved February 4th, 1851, entitled "An Act for the permanent location of the Seat of Government;" and the Governor is hereby further requested to communicate to the Legislature, as early as practicable, whether and how far the said M. G. Vallejo has complied with the terms of his said proposition, and his present intentions and

wishes in the premises, so far as the same may have been or may be communicated to the Governor.

Adopted.

Mr. Keene offered the following resolution, which was adopted:

Resolved, That the President of the Senate be authorized to appoint an additional Page.

In accordance with the foregoing resolution, the President appointed Owen D. Mitchell.

Mr. Hager, on leave, introduced a bill for "An Act in relation to Water Companies," which was read twice, and,

On motion of Mr. Lott, referred to the Committee on Corporations.

Mr. Roach, on leave, introduced a "Joint Resolution in relation to the Harbor of Santa Cruz," which was read a first and second time; the rules were suspended, it was considered engrossed, read a third time and passed.

The following message was received from the Governor. (See Appendix No. 14.)

The explanatory report of the Secretary of State, with the printed abstract, were,

On motion of Mr. Sprague, referred to the Joint Select Committee to apportion the Senatorial and Assembly Districts of the State.

Mr. Crabb moved that the bill reported by him as chairman of the Select Committee to whom had been referred that portion of the Governor's message relating to amendments to the Constitution, and the reports submitted by himself and Messrs. Coffroth and Snyder, be made the special order of the day for Thursday, 3d February, at 12 o'clock.

Mr. Lott moved an amendment that fifteen hundred copies of the reports and bill together be printed, which was agreed to, and the motion, as amended, adopted.

Mr. Foster in the chair.

Mr. McKibben offered the following resolution, which was adopted:

Resolved, That the Governor be requested to inform the Senate if any report has been made by officers, under "An Act to provide for the inspection of Flour;" and if so, to furnish copies of the same for the inspection of the Senate.

On motion of Mr. Sprague, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, January 27, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Coffroth presented the petition of Joseph C. Morehead, asking the passage of a law to pay him two thousand three hundred and fifty dollars for services as Major, commanding the Gila Expedition, from the 22d of August to 30th December, 1850; which was read, and

On motion of Mr. Lott, referred to the Committee on Military Affairs.

Mr. Lyons from the Committee on Engrossment reported as correctly engrossed, "Joint Resolution in relation to the harbor of Santa Cruz;" and "Concurrent Resolution authorizing the Governor to receive of Gen. M. G. Vallejo, any and all moneys that may be due from him to the State."

Report adopted.

Mr. Hubbs, from the Judiciary Committee, reported back, with amendments, a bill for "an Act to prevent monopolies that tend to produce a famine," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Roach, from the Committee on Commerce and Navigation, reported back, without amendment, "an Act to ratify a certain ordinance passed by the Common Council of the city of Benicia on the 28th day of September, and approved by the Mayor of said city on the 29th September, 1852, authorizing a grant to the Pacific Mail Steamship Company," and recommend its passage.

The report was accepted and laid upon the table.

Mr. Keene offered a resolution, recommending to the President of the United States a suitable person from this State for the office of Commissioner to China.

On motion of Mr. Lott, the resolution was laid upon the table.

Mr. Foster, on leave, introduced "A Joint Resolution relative to the public Printing."

Which was read a first and second time; the rules suspended, it was considered, engrossed, read a third time, and passed.

Mr. Hager, from the Committee on Corporations, reported back "An Act in relation to Water Companies," and recommended its passage.

The report was adopted, the bill read a third time, and on the question, "Shall this bill be passed?"

The ayes and nays were demanded by Messrs. Lyons, Lind, and Hubbs, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, Foster, Gruwell, Hager, Hubbs, Hudspeth, Keene, Kurtz, Lott, McKibben, Ralston, Roach, Smith, Snyder, Sprague, Wade, Walkup—20.

NAYS.

Messrs. Lind, Lyons, Mr. Wombough—3.

So the bill was passed.

Mr. Lind offered a Concurrent Resolution to elect Trustees to the Stockton State Hospital.

Mr. Crabb moved to lay the resolution on the table.

The question was then taken on the adoption of the resolution, and the ayes and nays were demanded; when,

On motion of Mr. Lyons, it was laid upon the table for the present.

Mr. Wombough, on leave, introduced a "Joint Resolution instructing our Senators and Representatives in Congress in relation to a National Railroad," which was read twice, and,

On motion of Mr. Sprague, referred to the Committee on Federal Relations.

Mr. Roach, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to attach Signor or Mare Island to Solano county."

Mr. Roach, from the same committee, also reported as correctly enrolled "An Act to authorize certain officers and other persons to administer oaths."

Reports adopted.

A message was received, informing the Senate that the Assembly passed on yesterday Senate Joint Resolution to appoint a Joint Select Committee to apportion the Senatorial and Assembly Districts of this State," with an amendment, appointing a committee of nine instead of five; and had appointed Messrs. Redding, Johnson, Hoff, Flower, Herbert, Tilghman, Smith, McFarland and Wing, on the part of the Assembly.

And passed, also, a Concurrent Resolution, creating a committee to carry into effect the provisions of the Act providing for the translation of the Laws into the Spanish language; and had appointed Messrs. Covarrubias, McFarland and Pacheco, on the part of the Assembly.

Mr. Lott moved that the Senate non-concur in Assembly amendment to Senate Concurrent Resolution, which was agreed to.

Mr. Lott then moved that a committee of conference be appointed on the

disagreeing vote of the two Houses, which was agreed to; and the Chair appointed on the part of the Senate, Messrs. Lott, Sprague and Foster.

Assembly Concurrent Resolution, accompanying the message, was laid upon the table.

On motion of Mr. Coffroth, the report of the Select Committee on the per diem allowance of the officers of the Senate was taken from the table.

Mr. Sprague moved to lay the report upon the table. On which,

Messrs. Hubbs, Sprague and Keene, demanded the ayes and nays.

And the motion was lost by the following vote:

AYES.

Messrs. Foster,	Messrs. Kurtz,
Gruwell,	Ralston,
Hager,	Roach,
Hubbs,	Sprague,
Keene,	Walkup—10.

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Crabb,	McKibben,
Coffroth,	Smith,
Denver,	Snyder,
Hudspeth,	Wade,
Lind,	Wombough—14.

The question was then taken on concurring in the report of the special committee, and

The ayes and nays were demanded by Messrs. Keene, Sprague and Hubbs, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Crabb,	McKibben,
Coffroth,	Smith,
Denver,	Snyder,
Hudspeth,	Wade,
Lind,	Wombough—14.

NAYS.

Messrs. Foster,	Messrs. Kurtz,
Gruwell,	Ralston,
Hager,	Roach,
Hubbs,	Sprague,
Keene,	Walkup—10.

So the report was concurred in, and the following rates of per diem allowance for the officers of the Senate adopted.

Secretary,	$20
Assistant Secretary,	18
Enrolling and Engrossing Clerks, each,	16
Committee Clerks, each,	15
Sergeant-at-Arms,	20
Door Keeper,	16
Pages, each,	10
Porters, each,	14

The President announced that he had this day signed—

"An Act relating to San Diego Pilots."

"An Act to authorize certain Officers and other persons to Administer Oaths."

"An Act to attach Signor or Mare Island to Solano County."

"An Act in relation to the Supplies of Fuel and other Contingent Expenses of the Legislature."

"An Act to repeal an Act entitled an Act concerning Courts of Justice of this State, and Judicial Officers, approved 27th March, 1852."

Mr. Smith gave notice that he would at an early day introduce a bill for "An Act to provide for the formation of Corporations for certain purposes."

Mr. Lott moved to take from the table a bill for "An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Sessions, and to repeal so much of a like Act passed April 22, 1850, as relates to the county of Monterey," which was agreed to, and the bill read a third time and passed.

Mr. Keene moved to take from the table the resolution recommending to the President of the United States a suitable person from this State for the office of Commissioner to China, which was agreed to.

Mr. Lyons moved to strike out all in the first resolution after the word China, on which the ayes and nays were demanded by Messrs. Hubbs, Lyons and Wade, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
Denver,	Ralston,
Foster,	Roach,
Hubbs,	Sprague,
Lott,	Walkup—10.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	McKibben,
Crabb,	Smith,
Gruwell,	Wade,
Hudspeth,	Wombough—11.

So the motion to strike out was carried.

Mr. Lott moved a call of the Senate, which was sustained, and the following Senators were absent: Messrs. De la Guerra, Estill, Hager, Lind and Walton.

The Sergeant at-Arms was directed by the President to bring the absentees within the bar of the Senate.

Mr. Keene moved that further proceedings under the call be dispensed with, which was lost.

Mr. Hager appeared at the bar of the Senate, and was admitted.

On motion of Mr. Sprague further proceedings under the call were dispensed with.

The question then recurring on the passage of the resolution, the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Sprague, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Smith,
Crabb,	Snyder,
Gruwell,	Wade,
Hudspeth	Wombough—11.
Keene,	

NAYS.

Messrs. Coffroth,	Messrs. Lott,
Denver,	Lyons,
Foster,	Ralston,
Hager,	Roach,
Hubbs,	Sprague,
Kurtz,	Walkup—12.

So the Senate refused to pass the resolution.

On motion of Mr. McKibben, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, January 28, 1853.

Senate met pursuant to adjournment.

President in the chair.

The Journal of Thursday was read and approved.

Mr. Coffroth presented the accounts of certain persons for labor upon the State capital, and moved their reference to the Committee on Claims; which was agreed to.

Mr. Lott from the Engrossing Committee reported as correctly engrossed, "an Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of the Courts of Session, and to repeal so much of a like Act, passed April 22, 1850, as relates to the County of Monterey."

Report adopted.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed," "An Act in relation to Water Companies;" and

"Joint Resolution relative to the Public Printing."

Report adopted.

Mr. Roach, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his approval;

"An Act relating to San Diego Pilots."

"An Act to authorize certain officers and other persons to administer oaths."

"An Act to attach Signor or Mare Island to Solano County."

"An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature."

"An Act to repeal an Act entitled an Act concerning Courts of Justice of this State and Judicial officers;" approved March 27, 1852.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
City of Vallejo, Jan. 28, 1853.

To the Senate of the State of California:

The consent of the Senate is respectfully requested to the appointment of Jeremiah Urie as a Pilot for the harbor of Benicia.

JOHN BIGLER.

Mr. Keene moved that the Senate do advise and consent to the nomination; which was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lott,
Crabb,	Lyons,
Coffroth,	McKibben,
Denver,	Ralston,
Estill,	Roach,
Foster,	Smith,
Hager,	Snyder,
Hubbs,	Wade,
Hudspeth,	Walkup,
Keene,	Wombough—22.

A message was received from the Governor informing the Senate that he, this day, approved an Act entitled "An Act relating to San Diego Pilots."

"An Act to authorize certain officers and other persons to administer oaths."

"An Act in relation to the supplies of fuel, and other contingent expenses of the Legislature."

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT,
City of Vallejo, January 28, 1853.

HON. SAMUEL PURDY,

President of the Senate,

SIR:

In compliance with a resolution of the Senate, adopted on the 26th inst., requesting the Governor "to inform the Senate if any returns have been made by officers under the Act to provide for the Inspection of Flour, and if so, to furnish copies of the same for the inspection of the Senate," I have the honor to state that no report has been received from the Inspector appointed under the provisions of said Act.

Very respectfully,
Your obedient servant,

JOHN BIGLER.

On motion of Mr. McKibben, it was

Resolved, That the compensation of the Recording Clerk, and of Assistants to the Secretary of the Senate, be fixed at the rate of $16 per diem.

Mr. Lind moved to take from the table the Concurrent Resolution to elect Jacob K. Shafer, Andrew Lester, Chas. B. Phelps, and Enoch Gove, Trustees of the Stockton State Hospital, to fill the vacancies occasioned by the

expiration of the term of Messrs. Purdy, Crabb, Brush and Taylor; which was agreed to.

Mr. Crabb moved to refer the resolution to the Judiciary Committee, with instructions to report some day next week; which was not agreed to.

Mr. Crabb moved to lay the resolution on the table; on which Messrs. Crabb, Hubbs and Smith demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird, Crabb, Estill, Hudspeth, Keene, Smith, Wade—7.

NAYS.

Messrs. Coffroth, Denver, Hager, Hubbs, Lind, Lott, Lyons, McKibben, Ralston, Snyder, Sprague, Walkup, Wombough—13.

The resolution was amended by inserting the name of E. P. Jordan, instead of Enoch Gove.

The question was then taken on the resolution, and it was adopted.

On motion of Mr. Lott, six hundred copies of the Attorney General's report were ordered printed.

Mr. McKibben, on leave, introduced a bill for an Act entitled "An Act to repeal an Act to provide for the Inspection of Flour," approved May 3, 1852; which was read a first and second time, and referred to the Committee on Commerce and Navigation.

Mr. Hubbs moved to take from the table a bill for "An Act to prevent monopolies that tend to produce famine;" which was agreed to.

The Senate then as in Committee of the Whole, (Mr. Coffroth in the chair,) proceeded to the consideration of the same; and having made sundry amendments to the bill, the committee rose and reported it back.

On motion of Mr. Hubbs, the amendments were concurred in, and the bill ordered engrossed for a third reading.

On motion of Mr. Estill, a bill for "An Act entitled an Act to ratify an ordinance passed by the Council of the city of Benicia, &c.;" was taken from the table.

Mr. Smith moved to refer the bill to a select committee of three, with instructions to visit Benicia, and ascertain the location of the ground and report to the Senate.

Mr. Ralston moved to amend the motion, by striking out the instructions; which was agreed to.

The motion as amended was adopted, and the Chair appointed as the committee, Messrs. Smith, Lott and Estill.

Mr. Gruwell offered the following:

Resolved, That when the Senate adjourn, it stands adjourned till Monday 2 o'clock, P. M.

The following messag was received from the Governor:

EXECUTIVE DEPARTMENT,
City of Vallejo, January 28, 1853.

To the Senate of the State of California:

I have the honor, herewith, to transmit a communication received this day from Gen. M. G. Vallejo, in relation to a bond heretofore executed by him to the State of California.

JOHN BIGLER.

(See appendix 15.)

On motion of Mr. McKibben, the communication was laid upon the table, and made the special order of the day for Wednesday, 2d February.

Mr. Hager moved a re-consideration of the vote rejecting the resolution recommending to the President of the United States some suitable person, from this State, for the office of Commissioner to China; which was agreed to.

Mr. Hager moved to amend, by striking out all after the word China in the first resolution; which was agreed to.

And the resolution as amended read as follows:

Whereas, California is nearer to the Empire of China than any other State of the Union, and many thousands of Chinese are now residing in California and intermingled with our people in all their employments; and

Whereas, A valuable and increasing commerce already exists between California and China, which may hereafter bring a great accession to the wealth of the whole American Union, through the ports of California, and open the way to a free intercourse with the secluded nations of Asia.

Therefore, Resolved, That in our opinion, the public interest would be promoted by the appointment of a citizen of California to the office of "Commissioner to China."

Resolved, That the President of the Senate be instructed to forward a copy of the above preamble and resolution to the President of the United States.

Mr. Sprgaue moved to amend by adding after the word "China," the words "Sandwich Islands, Australia and the South American Republics."

On which the ayes and nays were demanded by Messrs. Sprague Hubbs and Lyons, with the following result:

AYES.

Messrs. Lott,	Messrs. Sprague,
Lyons,	Walkup—4.

NAYS.

Messrs. Baird,	Messrs. Keene,
Coffroth,	McKibben,
Denver,	Ralston,
Gruwell,	Roach,
Hager,	Smith,
Hubbs,	Wade,
Hudspeth,	Wombough—14.

So the amendment was lost.

The question was then taken on the adoption of the resolution; and the ayes and nays were demanded by Messrs. Sprague, Hubbs and Lyons, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Coffroth,	Lott,
Denver,	Lyons,
De la Guerra,	McKibben,
Gruwell,	Roach,
Hager,	Smith,
Hubbs,	Wade,
Hudspeth,	Wombough—16.

NAYS.

Messrs. Ralston,	Mr. Walkup—3.
Sprague,	

So the resolution was adopted.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed "Concurrent Resolution appointing Trustees to the Stockton State Hospital."

Report adopted.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, January 31, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the Chair.

Present, Messrs. Denver, Estill, Hubbs, Kurtz, Lott, Snyder, Sprague and Wombough.

There not being a quorum, on motion of Mr. Denver, the Senate adjourned to two o'clock to-morrow.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, February 1, 1853.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journals of Monday and Friday last were read and approved.

Mr. Keene presented the petition of forty-three citizens of Carson's Valley, praying to "be annexed to California, for judicial purposes, until Congress shall otherwise provide;" which was read and referred to the Committee on Counties and County Boundaries.

Mr. Denver, from the Committee on Public Expenditures, to whom was referred the bill for "An Act recommending the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," reported the same back with amendments, and recommended its passage.

The report was accepted, and with the bill laid on the table. (See Appendix 75.)

Mr. Keene presented the petition of thirty five citizens of Carson's Valley, praying the Legislature of this State "to use its influence with the General Government of the United States to appoint some person as Indian Agent in their vicinity;" which was read and referred to the Committee on Indian Affairs.

Mr. Hubbs, from the Finance Committee, to whom was referred Assembly bill for "An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund," reported the same back with amendments, and recommended its passage.

The report was accepted and laid on the table.

Mr. Lott, from the Committee on Engrossed Bills, reported as correctly

engrossed the bill for "An Act to prevent monopolies that tend to produce famine."

The report was adopted.

Mr. Hager, on leave, introduced a joint resolution to grant Delos Lake, Judge 4th Judicial District, four months' leave of absence from the State;" which was read first and second time, and on motion of Mr. Hagar, laid on the table.

Mr. Wombough submitted the following resolution, which was read and laid on the table.

Resolved, That the Sergeant-at-Arms be and is hereby authorized to purchase such amount of stationery as may be necessary for the use of the Senate.

Mr. Keene, on leave, introduced a bill for "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county;" which was read a first and second time and referred to the Committee on Finance.

Mr. Sprague, on leave, introduced a bill for "An Act to establish a permanent Seat of Government for the State of California," and to repeal "An Act for the permanent location of the Seat of Government, passed February 4, 1851;" which was read a first time, and the question being, "Shall the bill go to a second reading?"

Mr. Hubbs asked leave to introduce a bill for "An Act to locate the permanent Seat of Government."

Objections being made by Mr. Lott, leave was not granted.

Mr. Sprague moved a suspension of the rules, which was agreed to, and the bill was then read a second time and referred to the Judiciary Committee, with instructions to report the same back to morrow.

Mr. Hubbs, on leave, introduced a bill for "An Act to locate the permanent Seat of Government;" which was read a first and second time, and on motion of Mr. Hubbs, referred to the Judiciary Committee, with instructions to report the same back to-morrow.

Mr. Gruwell, on leave, introduced a bill for "An Act for the relief of William Akenhead, County Treasurer of the county of Santa Clara;" which was read a first and second time, and referred to the Committee on Finance.

On motion of Mr. Hubbs, the bill for "An Act to prevent monopolies that tend to produce famine," was taken from the table and read a third time.

Mr. Wombough moved to re-commit the bill, which was not agreed to.

The question then being, "Shall the bill now be passed;" the ayes and nays were demanded by Messrs. Hubbs, Gruwell and Wombough, and the bill was passed by the following vote:

AYES.

Messrs. Baird,	Messrs. Hudspeth,
Denver,	Keene,
De la Guerra,	Lott,
Estill,	Lyons,

Messrs. Gruwell, Hager, Hubbs, Ralston, Sprague, Walkup—14.

NAYS.

Messrs. Crabb, Kurtz, Roach, Snyder, Wade, Wombough—6.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, February 2, 1853.

Senate met pursuant to adjournment.
President in the Chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Tuesday was read and approved.
Mr. Sprague, from the Judiciary Committee, submitted the following report:

Mr. President:

The Committee on the Judiciary having had under consideration Senate Bills Nos. 40 and 41, for "An Act to establish a permanent Seat of Government for the State of California," and for "An Act to locate the permanent Seat of Government;" also the Governor's message, transmitting a communication from Gen. M. G. Vallejo in relation to his bond, have directed me to report the same back, without recommendation, for the consideration of the Senate.

R. T. SPRAGUE,
Of the Committee.

The report was accepted and the bills laid upon the table.
Mr. Ralston, from the Judiciary Committee, reported a bill for "An Act to authorize a transfer of causes from the Superior Court of the city of San Francisco:" which was read twice and referred to the Judiciary Committee.

Mr. Ralston, on leave, introduced a bill for "An Act to prevent extortion under color of office, and to enforce official duty;" which was read twice, referred to the Judiciary Committee, and two hundred and forty copies ordered printed.

On motion of Mr. Hubbs, the Senate went into Committee of the Whole, Mr. Foster in the chair, and took under consideration "An Act to establish a permanent Seat of Government for the State of California, and to repeal an Act for the permanent location of the Seat of Government," passed February 4th, 1851; and

"An Act to locate the permanent Seat of Government."

And having considered the same for some time, the committee rose and reported back a bill for "An Act to provide for the permanent location of the Seat of Government," as a substitute for the bills had under consideration, for "An Act to locate the permanent Seat of Government."

President in the chair.

Mr. Kurtz moved to amend section first of substitute, by striking out the words, "Benicia, on the Straits of Carquinez," and insert "San José, on the Arroyo del Medo."

On which the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Kurtz, and the amendment was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Hubbs,
Coffroth,	Kurtz,
Gruwell,	Walkup—6.

NAYS.

Messrs. Crabb,	Messrs. Lyons,
Denver,	McKibben,
De la Guerra,	Ralston,
Estill,	Roach,
Foster,	Snyder,
Hager,	Sprague,
Hudspeth,	Wade,
Keene,	Wombough—17.
Lott,	

Mr. Gruwell moved to adjourn. Lost.

Mr. Crabb offered the following amendment: Strike out all after the enacting clause and insert—

Section 1. From and after the fourth of February, eighteen hundred and fifty-three, the present session of the Legislature shall be continued and held at the city or town of Vallejo, situated upon the Bay of Napa and Straits of Carquinez.

Section 2. It shall be the duty of the Governor and other State officers

to reside at Vallejo until the present Legislature adjourns sine die; and the public archives shall not be removed from Vallejo until such adjournment.

On which Messrs. Sprague, Keene and Coffroth demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb, Coffroth, Gruwell, Hubbs, Ralston, Wade, Walkup—7.

NAYS.

Messrs. Baird, Denver, De la Guerra, Estill, Foster, Hager, Hudspeth, Keene, Kurtz, Lott, Lyons, McKibben, Roach, Smith, Snyder, Sprague, Wombough—17.

So the amendment was lost.

Mr. Gruwell moved to adjourn. Lost.

The question was then taken on the adoption of the substitute reported by the Committee of the Whole; on which, Messrs. Coffroth, Keene and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Denver, De la Guerra, Estill, Foster, Hager, Hudspeth, Keene, Kurtz, Lott, Lyons, McKibben, Smith, Snyder, Sprague, Wombough—16.

NAYS.

Messrs. Crabb, Coffroth, Gruwell, Hubbs, Ralston, Roach, Wade, Walkup—8.

So the substitute was adopted.

Mr. Hager then moved to amend by inserting at the end of section second the following words:

"Founded upon, or growing out of any thing connected with the location or removal of the Seat of Government at or from Vallejo."

Which was agreed to.

Mr. Coffroth moved to amend by inserting, as section three, the following words:

"This Act shall take effect from and after the first day of June, 1853."

Which was lost.

Mr. Hubbs moved to amend by inserting, at the end of section second, the following:

"*Provided, further*, That the present session of the Legislature shall be held at Vallejo."

Mr. Keene rose to a point of order: That the amendment was out of order, because the same had been twice voted down in the action of the Senate on the bill under consideration.

The point of order was sustained.

On the question, "Shall the bill be read a third time?" Messrs. Coffroth, Hubbs and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs.	Baird,	Messrs.	Kurtz,
	Denver,		Lott,
	De la Guerra,		Lyons,
	Estill,		McKibben,
	Foster,		Smith,
	Hager,		Snyder,
	Hudspeth,		Sprague,
	Keene,		Wombough—16.

NAYS.

Messrs.	Crabb,	Messrs.	Ralston,
	Coffroth,		Roach,
	Gruwell,		Wade,
	Hubbs,		Walkup—8.

So the bill was read a third time.

The question then recurring on, "Shall the bill be now passed?" Messrs. Coffroth, Hubbs and Crabb demanded the ayes and nays.

The Secretary called the name of Mr. Baird, who answered in the affirmative, when Mr. Coffroth moved to lay the bill upon the table.

The Chair ruled the motion out of order.

The roll was then called, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Denver,	Lott,
De la Guerra,	Lyons,
Estill,	McKibben,
Foster,	Smith,
Hager,	Snyder,
Hudspeth,	Sprague,
Keene,	Wombough—16.

NAYS.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Roach,
Gruwell,	Wade,
Hubbs,	Walkup—8.

So the bill was passed.

Mr. Lott moved that the Secretary be instructed to request the Assembly to return to the Senate a bill for "An Act to prevent monopolies that tend to produce famine."

Mr. Hubbs moved to postpone the motion indefinitely, which was lost.

The motion of Mr. Lott was then agreed to, by the following vote—the ayes and nays being demanded by Messrs. Hubbs and Smith:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Crabb,	Lott,
Coffroth,	Smith,
De la Guerra,	Snyder,
Estill,	Wade,
Foster,	Wombough—13.
Hager,	

NAYS.

Messrs. Denver,	Messrs. McKibben,
Gruwell,	Ralston,
Hubbs,	Roach,
Hudspeth,	Sprague,
Keene,	Walkup—11.
Lyons.	

A message was received from the Assembly, informing the Senate that the Governor approved, on Friday last, Assembly "Bill to attach Signor or Mare Island to Solano county;"

And that the Assembly passed, on the same day, "An Act to amend an Act appropriating moneys to meet the contingent expenses of Government," approved May 4th, 1852;

And "Joint Resolution relative to the Public Printing;"

And "Concurrent Resolution authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," with an amendment;

And have appointed Messrs. Redding, Garfield and Hoff a committee of conference on the disagreeing vote upon the apportionment bill;

And passed "An Act for the location of the Seat of Justice of the county of Colusi;"

And "An Act to authorize the funding of the debt of Tuolumne county and to provide for the payment of the same."

Assembly bill for "An Act to authorize the funding of the debt of Tuolumne county, and to provide for the payment of the same," was read twice, and,

On motion of Mr. Coffroth, referred to the Tuolumne delegation.

Assembly bill for "An Act for the location of the Seat of Justice of the county of Colusi," was read twice, and referred to the Committee on Counties and County Boundaries.

On motion of Mr. Lott, Assembly amendment to Senate "Concurrent Resolution, authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State," was concurred in.

Mr. Hager moved to take up "Joint Resolution to grant four months leave of absence to Delos Lake, Judge of the Fourth Judicial District;" which was agreed to.

The resolution was then read a third time; and on the question of its passage, Messrs. Hubbs, Wombough and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Crabb,	Kurtz,
De la Guerra,	McKibben,
Hager,	Snyder,
Hudspeth,	Wade—10.

NAYS.

Messrs. Denver,	Messrs. Ralston,
Estill,	Roach,
Foster,	Smith,
Hubbs,	Sprague,
Lott,	Walkup,
Lyons,	Wombough—12.

So the Senate refused to pass the resolution.

On motion of Mr. Ralston, Mr. Catlin was granted leave of absence until Saturday next.

Mr. Ralston gave notice that at an early day he would ask leave to introduce a bill for "An Act to protect the interest of the owners of all shipwrecked property on the navigable waters within this State and on the high seas bordering this State.

President pro tem. in the chair.

On motion of Mr. Lott, Mr. Lind was granted leave of absence for a few days.

Mr. Lott moved that the vote on the passage of "An Act for the permanent location of the Seat of Government," be reconsidered.

Mr. Smith moved to indefinitely postpone the motion to reconsider, which was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Lott,
Denver,	Lyons,
De la Guerra,	McKibben,
Estill,	Ralston,
Foster,	Smith,
Hager,	Snyder,
Hudspeth,	Sprague,
Keene,	Wombough—17.
Kurtz,	

NAYS.

Messrs. Crabb,	Messrs. Wade,
Hubbs,	Walkup—5.
Roach,	

Mr. Smith gave notice that on to-morrow he would move a reconsideration of the vote rejecting Joint Resolution granting four months' leave of absence to Delos Lake, Judge of Fourth Judicial District.

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, February 3, 1853.

Senate met pursuant to adjournment.
President in the chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Wednesday was read; when
Mr. Crabb moved that the portion of the Journal setting forth—"and so the bill passed," be so amended as to read, "and the Chair announced that the bill had received a majority of the votes cast." On which,
Messrs. Hubbs, Crabb and Gruwell, demanded the ayes and nays; and the motion was lost by the following vote:

AYES.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Roach,
Gruwell,	Wade,
Hubbs,	Walkup—8.

NAYS.

Messrs. Denver,	Messrs. Lott,
De la Guerra,	Lyons,
Foster,	McKibben,
Hager,	Smith,
Hudspeth,	Snyder,
Keene,	Sprague,
Kurtz	Wombough—14.

The question then recurring on the approval of the Journal,

The ayes and nays were demanded by Messrs. Hubbs, Crabb and Gruwell, with the following result:

AYES.

Messrs. Denver,	Messrs. Lott,
De la Guerra,	Lyons,
Foster,	McKibben,
Hager,	Smith,
Hudspeth,	Snyder,
Keene,	Sprague,
Kurtz,	Wombough—14.

NAYS.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Roach,
Gruwell,	Wade,
Hubbs,	Walkup—8.

So the Journal as read was approved.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed, "An Act to provide for the Permanent Location of the Seat of Government."

Report adopted.

Mr. Ralston, from the Committee on Finance, to whom had been referred "An Act concerning the Securities of John H. Phillips," reported back as a substitute, a bill for "An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

The report was read.

On the adoption of the substitute reported by the committee,

Messrs. Lyons, Lott and Hubbs, demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster,	Messrs. Ralston,
Gruwell,	Roach,
Hubbs,	Smith,
Keene,	Sprague,
McKibben,	Wade—10.

NAYS.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Hager,	Snyder,
Hudspeth,	Walkup—8.

So the substitute was adopted.

On motion of Mr. Keene, the bill was considered, engrossed, and read a third time.

The question then being, "Shall the bill be now passed?"

Messrs. Lyons, Keene and Lott, demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster,	Messrs. Ralston,
Gruwell,	Roach
Hubbs,	Smith,

Messrs. Keene,
McKibben,
Messrs. Sprague,
Wade—10.

NAYS.

Messrs. Coffroth,
De la Guerra,
Hager,
Hudspeth,
Messrs. Lyons,
Snyder,
Walkup—7.

So the bill was passed.

Mr. McKibben, from the Committee on Education, submitted the following report. (See Appendix No. 17.)

The report was accepted.

And the bill reported for an Act to amend "An Act to establish a System of Common Schools," was read twice, and,

On motion of Mr. McKibben, laid upon the table.

Mr Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "Joint Resolution relating to the Public Printing."

The report was adopted.

Mr. Hubbs, from the Committee on Finance, to whom was referred the bill for an Act to repeal "An Act to authorize the Funding of the Debt of the county of El Dorado," reported the same back with an amendment, and recommended its passage.

The report was adopted; and the bill, amended, read a third time and passed.

Mr. Roach, from the majority of the Committee on Commerce and Navigation, to whom was referred the bill for "An Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California," reported the same back with amendments, and recommended its passage.

The report was accepted and laid on the table, and

On motion of Mr. Coffroth, made the special order for Wednesday next.

A message was received from the Governor, transmitting to the Senate the report of G. W. Ryckman, Flour Inspector for the State of California; which was read. And,

On motion of Mr. Hubbs, referred to the Committee on Commerce and Navigation. (See Appendix No. 18.)

A message was received from the Assembly informing the Senate that they passed, on the 28th January,

"Joint Resolution concerning the Historical Society of the State of California, formed under the Law concerning Corporations."

Also, "An Act amendatory of an act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed May 3d, 1852."

Assembly "Joint Resolution concerning the Historical Society of the State of California, formed under the Law concerning Corporations," was read twice, and

On motion of Mr. Sprague, referred to the Committee on Education.

Assembly bill for "An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a Wharf in the county of Solano, passed

May 31, 1852." was read twice and referred to the Committee on Commerce and Navigation.

On motion of Mr. Smith, the vote of yesterday on the "Joint Resolution to grant four months' leave of absence to Pablo Lake, Judge of the Fourth Judicial District," was reconsidered, and the resolution laid upon the table.

Mr. Lott in the chair.

On motion of Mr. Hobbs, Assembly bill for "An Act to provide for the Redemption of Comptroller's Warrants drawn payable out of the General Fund," was taken from the table, amended, and the amendments ordered engrossed.

Mr. Wade moved to make the bill for "An Act [illegible] the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," and the reports submitted by the special committee, the special order for Thursday next at 12 o'clock.

Which was agreed to.

The following message was received from the Assembly:

Mr. President:

I am directed by the Assembly to return to the Senate, in accordance to request, Senate bill for "An Act to prevent monopolies that tend to produce famine."

Respectfully,
B. McALPIN,
Clerk.

On motion of Mr. Sprague, the message and bill were laid on the table.

Mr. Kurtz introduced a "Joint Resolution requesting our Representatives in Congress to use their efforts to have a Mail Route established between San Diego and Camp Yuma," which was read a first and second time.

Mr. Lyons moved that the rules be suspended and the resolution read a third time.

Which was agreed to. When,

On motion of Mr. Colloth, the vote suspending the rules was reconsidered.

On motion of Mr. Kurtz, the resolution was referred to the Committee on Federal Relations.

Assembly "Concurrent Resolution appointing a joint committee of both Houses, to carry into effect the law providing for the Translating of the Laws into the Spanish Language," was taken up.

On motion of Mr. Crabb the resolution was laid upon the table.

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Friday, February 4, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed amendments to Assembly bill for an Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund.

Report adopted.

Hon. John Walton, Senator elect from the Twelfth Senatorial District, appeared, when on motion of Mr. Keene, the oath of office was administered to him by the President of the Senate.

Mr. Roach, from the Joint Committee on Enrollment, reported as correctly enrolled an Act to amend "An Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852."

Report adopted.

Mr. Roach, from the Joint Committee on Enrollment, reported as correctly enrolled a Concurrent Resolution, authorizing the Governor to receive of M. G. Vallejo any and all moneys that may be due from him to the State.

Report adopted.

The President announced that he had this day signed a "Joint Resolution relative to the Public Printing."

And "Concurrent Resolution authorizing the Governor to receive any and all moneys that may be due from M. G. Vallejo to the State."

Also, an Act to amend "An Act appropriating moneys to meet the contingent expenses of Government, approved May 4, 1852."

Mr. Roach, from the Committee on Enrollment, reported that the Committee this day presented to the Governor for his approval a "Joint Resolution relative to the Public Printing."

Report adopted.

Mr. Lyons, from the Committee on Engrossment, reported as correctly engrossed "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

Report adopted.

Mr. Denver introduced a "Concurrent Resolution in relation to European Colonization on the American Continent;" which was read, and on motion of Mr. Crabb, referred to the Committee on Federal Relations.

Mr. Coffroth, from the Tuolumne Delegation, reported back verbally, with an amendment, Assembly bill for "An Act to authorize the funding of the debt of the county of Tuolumne, and to provide for the payment of the same," and recommended its passage.

The amendment was adopted, the bill read a third time and passed.

Mr. Denver offered a resolution authorizing the committee to whom was referred so much of the Governor's message as relates to the Water Front of San Francisco, to draw money out of the contingent fund of the Senate sufficient to defray such expenses as may necessarily be incurred in the examination.

On motion of Mr. McKibben, the resolution was referred to the Committee on Commerce and Navigation.

On motion of Mr. Hubbs, Assembly bill for "An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund," was taken from the table, and the report of the Finance Committee on the same read.

Mr. Crabb moved that the bill be re committed to the Finance Committee, and two hundred and forty copies printed; which was agreed to.

Mr. Hager moved to take up "Joint Resolution to grant four months' leave of absence to Delos Lake, Judge Fourth Judicial District;" which was agreed to.

On the question "Shall the resolution be passed?" the ayes and nays were demanded by Messrs. Hubbs, Smith and Ralston, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Smith,
Hager,	Snyder,
Hudspeth	Sprague,
Keene,	Wade,
Lind,	Wombough—12.

NAYS.

Messrs. Coffroth,	Messrs. Hubbs,
Denver,	Lyons,
De la Guerra,	Ralston,
Foster,	Roach,
Gruwell,	Walkup—10.

So the resolution was passed.

A message was received informing the Senate that the Assembly had this day passed the bill for "An Act to provide for the permanent location of the Seat of Government."

Mr. Sprague moved to take from the table the bill for "An Act to prevent monopolies that tend to produce famine,"

On which the ayes and nays were demanded by Messrs. Sprague, Wombough, and Keene with the following result:

AYES.

Messrs. Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hubbs, Hudspeth, Keene, Lyons, McKibben, Ralston, Roach, Smith, Snyder, Sprague, Walkup—18.

NAYS.

Messrs. Baird, Wade, Mr. Wombough—3.

So the bill was taken from the table.

Mr. Sprague moved that the Secretary of the Senate be instructed to return the bill to the Assembly. On which,

The ayes and nays were demanded by Messrs. Sprague, Hubbs and Gruwell.

And the Senate refused to return the bill by the following vote:

AYES.

Messrs. Coffroth, Denver, Hudspeth, Keene, Lyons, McKibben, Ralston, Smith, Snyder, Sprague, Walkup—11.

NAYS.

Messrs. Baird, Crabb, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Lott, Roach, Wade, Wombough—12.

Mr. Sprague moved to lay the bill on the table.

Which was not agreed to.

Mr. Ralston moved to reconsider the vote taken on returning the bill to the Assemby.

Which was agreed to.

The question was then taken on instructing the Secretary to return the

bill to the Assembly, and it was decided in the affirmative by the following vote:

AYES.

Messrs. Baird, Coffroth, Denver, De la Guerra, Gruwell, Hubbs, Hudspeth, Keene, McKibben, Ralston, Roach, Smith, Sprague, Walkup—14.

NAYS.

Messrs. Crabb, Foster, Hager, Snyder, Wade, Wombough—6.

Mr. McKibben gave notice that he would, at an early day, introduce a bill for the relief of the Treasurer and Sheriff of Sierra County.

Mr. Hager submitted a "Concurrent Resolution in reference to the removal of the Archives and property of the State."

Which was read, amended, and on the question of its passage,

The ayes and nays were demanded by Messrs. Crabb, Coffroth and Wombough.

And decided in the affirmative by the following vote:

AYES.

Messrs. Baird, Denver, Estill, Foster, Hager, Hudspeth, Keene, Lind, Lott, Lyons, McKibben, Smith, Snyder, Sprague, Wade, Wombough—16.

NAYS.

Messrs. Crabb, Coffroth, Gruwell, Hubbs, Ralston, Roach, Walkup—7.

A message was received from the Governor, informing the Senate that he had this day approved—

A "Concurrent Resolution authorizing the Governor to demand and receive of M. G. Vallejo, certain moneys due the State."

Also, "An Act to amend an Act appropriating moneys to meet the Contingent Expenses of the Government, approved May 4th 1852."

Also, "Joint Resolution relative to the Public Printing."

A message was received informing the Senate that the Assembly did, on yesterday, pass—

A "Concurrent Resolution condemning the proceedings of the Federal and Municipal Officers of San Francisco, in reference to a banquet given to the French Consul."

And that they had this day passed—

A "Concurrent Resolution proposing to adjourn to meet at Benicia on the eleventh of this month."

Assembly Concurrent Resolution to adjourn the Legislature to meet at the City of Benicia, on Friday, eleventh day of February, at 12 o'clock, M., was concurred in by the following vote. The ayes and nays being demanded by Messrs. Ralston, Coffroth and Gruwell:

AYES.

Messrs. Baird,	Messrs. Lyons,
Denver,	McKibben,
Estill,	Roach,
Hager,	Smith,
Hubbs,	Snyder,
Hudspeth,	Sprague,
Keene,	Wade,
Lind,	Wombough—17.
Lott,	

NAYS.

Messrs. Crabb,	Messrs. Gruwell,
Coffroth,	Ralston,
Foster,	Walker—6.

Assembly Concurrent Resolution condemning the proceedings of the federal and Municipal Officers of the City of San Francisco, in reference to a banquet given to the French Consul," was read, when

Mr. Lyons moved its reference to the Committee on Federal Relations.

Mr. Sprague moved its indefinite postponement.

On which, Messrs. Sprague, Lyons and Hubbs, demanded the ayes and nays.

And the motion was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Keene,
Estill,	Lind,
Foster,	McKibben,
Gruwell,	Roach,

Messrs. Hager, Messrs. Snyder,
Hubbs, Sprague,
Hudspeth, Wade—14.

NAYS.

Messrs. Coffroth, Messrs. Ralston,
Denver, Smith,
Lott, Wakup,
Lyons, Wombough—8.

Mr. Hubbs offered a resolution, which was adopted, placing the desks and furniture of the Senate in charge of the Sergeant at Arms of the Senate, and directing the Porters to assist in placing it in the Capitol building at Benicia.

On motion of Mr. Denver, the Senate took a recess until 3, P. M.

Senate re-assembled at 3 o'clock, P. M.

President in the chair.

Mr. Lind moved to reconsider the vote on the Assembly "Concurrent Resolution condemning the proceedings of the Municipal Officers of San Francisco, in reference to a banquet given to the French Consul."

Which was agreed to.

And on further motion of Mr. Lind, it was referred to the Committee on Federal Relations.

Mr. Roach, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act to provide for the permanent location of the Seat of Government."

The report was adopted.

Mr. Roach, from the same committee, reported that they had this day presented to the Governor for his approval—

"An Act to amend an Act appropriating moneys to meet the Contingent Expenses of Government, approved May 4th, 1852."

Also, "Concurrent Resolution authorizing the Governor to demand and receive certain moneys from M. G. Vallejo."

The report was adopted.

Mr. Roach, from the Committee on Commerce and Navigation, to whom was referred the resolution "To authorize the Committee on Commerce and Navigation to draw money from the contingent fund of the Senate for certain purposes," reported the same back, with an amendment limiting the sum to be drawn to one hundred and forty dollars.

The report was read and adopted.

The resolution was then taken up, amended, and adopted.

Mr. Lyons, from the Committee on Engrossed Bills, reported as correctly engrossed, "Concurrent Resolution in reference to the removal of the Archives and property of the State."

The report was adopted.

Mr. Coffroth submitted the following resolution, which was adopted:

Resolved, That the Sergeant-at Arms be directed to take an inventory

of the property belonging to the Senate, and to report on Friday next whether any property has been lost by the removal to Benicia.

On motion of Mr. Wombough, the resolution authorizing the Sergeant-at-Arms to purchase Stationery for the use of the Senate, was taken from the table. When

Messrs. Lott, and Hager, each submitted an amendment.

Mr. Coffroth moved to lay the whole matter on the table.

Which was agreed to.

A message was received, informing the Senate that the Assembly had concurred in the amendment made by the Senate to Assembly bill, for "An Act to repeal an act entitled an Act to authorize the Funding the Debt of the county of El Dorado, and to provide for the payment of the same."

And that they had passed—

Senate "Concurrent Resolution in reference to removal of the Archives and furniture belonging to the State."

The President announced that he had this day signed the bill for "An Act to provide for the permanent location of the Seat of Government."

Mr. Lyons in the chair.

Mr. Sprague moved a call of the Senate, which was sustained, and

Messrs Baird, Crabb, Estill, Gruwell, Hubbs, Kurtz, Lind, McKibben, Snyder, Wade, Walkup, and Walton, were absent.

Messrs. Gruwell, Lind and Walton, were excused from the action of the call.

The Sergeant at Arms was directed to bring the absentees within the bar of the Senate.

Messrs. Hubbs and Estill appeared, and were excused from the action of the call.

The Sergeant-at-Arms returned, and reported that he was unable to find the remainder of the absentees.

On motion of Mr. Keene, further proceedings under the call were dispensed with.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor, for his signature, "An Act to provide for the permanent location of the Seat of Government."

Report adopted.

Mr. Estill offered the following resolution, which was adopted:

Resolved, That the thanks of the Senate are due Adams & Co., for their liberality in supplying its members with the earliest news from the upper country, through the enterprise and energy of their agent, John C. Magary, Esq.

A message was received from the Governor, informing the Senate that he had this day approved "An Act to provide for the permanent location of the Seat of Government."

Mr. Estill presented the account of the Pioneer Upholstery, of San

Francisco, against the State, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Hubbs offered the following resolution, which was adopted:

Resolved, That the thanks of the Senate are due, and hereby tendered to Messrs. Bryant & Co., connected with Wells, Fargo & Co., for the prompt manner of distributing the various mailable matter to and from the Senate.

On motion of Mr. Keene, the Senate adjourned, to meet in the City of Benicia, on Friday, 11th inst., at 12, M.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

CITY OF BENICIA,
Friday, February 11, 1853.

Senate met pursuant to adjournment.

And was called to order by Mr. Lott, who moved that Mr. Lyons take the chair.

Which was agreed to.

There being no quorum present,

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

City of Benicia,
Saturday, February 12, 1853.

Senate met pursuant to adjournment.
Hon. B. F. Keene, President, *pro tem.*, in the chair.
There not being a quorum present,
On motion of Mr. Lyons, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Monday, February 14, 1853.

Senate met pursuant to adjournment.
Hon. Samuel Purdy in the Chair.
Prayer by Rev. Mr. Woodbridge.
The Journals of the 4th, 11th, and 12th instant were read and approved.
Mr. Crabb presented the claim of Henry Hook, amounting to $540 50, for services rendered in taking care of the public buildings at Vallejo, and moved its reference to the Committee on Claims.
Which was agreed to.
Mr. Kurtz submitted a resolution requesting the chairman of the Finance Committee to make arrangements with the Postmaster of Benicia for the transmission and reception of mail matter.
Mr. Crabb moved to include Express offices.
Which was not agreed to.
The resolution was then adopted.
Mr. Coffroth submitted the following Concurrent Resolution:

Resolved, by the Senate, the Assembly concurring, That his Excellency the Governor be requested to confer upon Capt. John A. Sutter the rank of Major General.

The resolution was passed unanimously.

Mr. Hubbs, agreeably to notice, introduced a bill for

"An Act in relation to the Judiciary Fund."

Which was read a first and second time, and referred to the Judiciary Committee.

On motion of Mr. Lott, the resolution "authorizing the Sergeant-at-Arms to purchase stationery for the use of the Senate," was taken from the table.

Mr. Keene moved its reference to a select committee of three, which was agreed to.

And the Chair appointed Messrs. Keene, Crabb, and Lott, as such committee.

On motion of Mr. Crabb, the bill for "An Act recommending the electors to vote for or against calling a convention to revise and change the entire Constitution of this State," was taken from the table.

Mr. Crabb moved that the bill, and the reports therewith submitted, be made the special order for Wednesday next, and every day thereafter, until disposed of.

Mr. Sprague moved that they be made the special order for Friday next.

Mr. Coffroth moved that they be made the special order for Monday next, and every day thereafter until disposed of.

Which was agreed to.

Mr. Wade gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill amendatory of "An Act entitled an Act concerning crimes and punishments," passed April 16, 1850.

On motion of Mr. Lott, the bill for "An Act relative to Port Wardens in San Francisco, Sacramento, and other ports of California," was taken from the table, and made the special order for to-morrow at 12 o'clock.

Mr. Hubbs moved to take from the table "An Act to amend an Act to establish a system of Common Schools."

Which was agreed to.

The bill, after some discussion, was again laid upon the table.

Mr. Sprague gave notice that he would on to-morrow, or at an early day thereafter, introduce a bill for "An Act entitled an Act to exempt the homestead and other property from forced sale in certain cases," passed April 21st, 1851.

Also a bill for "An Act amendatory of an Act entitled an Act to authorize married women to transact business in their own name as sole traders," passed April 12, 1852.

Mr. Lind in the chair.

Mr. Hubbs moved that the usual number of copies of "An Act in relation to the Judiciary Fund," be printed.

Mr. Sprague moved that the printing be left at the discretion of the Judiciary Committee.

Which was agreed to.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary

IN SENATE.

TUESDAY, February 15, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Wombough presented the petition of citizens of part of Sutter and Butte counties, praying to be annexed to Colusi county, and moved its reference to the Committee on Counties and County Boundaries; which was agreed to.

Mr. Baird presented the memorial of Merchants of San Francisco against the passage of an Act relative to Port Wardens in San Francisco, Sacramento, and other ports of California; which was read, and

On motion of Mr. Baird, referred to the Committee on Commerce and Navigation.

Mr. Wombough presented the petition of citizens of Colusi county, praying the Legislature to pass an Act removing the County Seat of said county to the town of Colusi; which was read, and

On motion of Mr. Lind, referred to the Committee on Counties and County Boundaries.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, Concurrent Resolution requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General.

Report adopted.

Mr. Lind from the Joint Committee on Enrollment, reported as correctly enrolled, an Act to repeal an Act entitled "an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same," approved May 1, 1852.

Report adopted.

Mr. Crabb, from the Committee on Engrossment, reported as correctly engrossed, Joint Resolution "to grant four months leave of absence to Delos Lake, Judge of the Fourth Judicial District."

Report adopted.

Mr. Keene, Chairman of the Committee on State Hospitals, reported back without amendment, "An Act to prevent the establishment of Pest Houses in any town or city in this State."

The report was adopted, the bill amended, read a third time and passed.

Mr. Hubbs, Chairman of the Finance Committee, instructed to make postal arrangements with the Postmaster of Benicia, reported that the committee had attended to the duty assigned them, by arranging that the Postmaster should deliver all letters and documents to the pages of the Senate.

Mr. Hubbs also, on leave, introduced a bill for "An Act in relation to certain contingent expenses of the Legislature;" which was read a first and

second time, the rules suspended, it was considered engrossed, read a third time and passed.

Mr. Keene, Chairman of the Select Committee, to whom was referred the resolution authorizing the Sergeant-at-Arms to purchase such amount of stationery as may be necessary for the use of the Senate, submitted a majority report—

That the Secretary of State had, according to law, awarded to Messrs. Le Count & Strong of San Francisco, the contract for supplying the Legislature with stationery; that the amount of stationery deemed sufficient for the use of the Legislature has been ordered at a cost of fifteen hundred dollars, and consists of the best quality that can be obtained in San Francisco, and submitted the following resolutions:

Resolved, That the Sergeant-at-Arms be, and he is hereby directed to give notice to the Secretary of State, as often as may be necessary, of such articles of stationery as may be required for the use of the Senate.

Resolved, That the Secretary of State be authorized to turn over to the Sergeant-at-Arms, all the stationery, purchased for the use of the Senate, as soon as received, and take his receipt for the same.

Mr. Crabb, from the same committee, submitted a minority report, recommending the adoption of the original resolution submitted to the committee.

The resolutions submitted with the majority report were then adopted.

A message was received, informing the Senate, that the Assembly passed on the fourth day of February, Senate bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings," and amended the same as therein shown.

The Senate, on motion of Mr. Wombough, non-concurred in Assembly amendment.

Mr. Coffroth gave notice that he would, on to-morrow or some future day, introduce a bill for an Act to provide for the incorporation of Railroad Companies.

Mr. Sprague, agreeably to notice, introduced a bill for "An Act amendatory of an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases," passed April 21, 1851; which was read twice and referred to the Judiciary Committee.

Mr. Sprague, agreeably to notice, also introduced a bill for "An Act amendatory of an Act entitled an Act to authorize Married Women to transact business in their own name as sole Traders," approved April 12, 1852; which was read twice, and

On motion of Mr. Lyons referred to the Judiciary Committee.

Mr. Crabb, on leave, introduced a bill for "An Act further to regulate appeals from judgments of Justices of the Peace;" which was read twice and referred to the Committee on the Judiciary.

Mr. Wombough, gave notice that he would, on to-morrow, introduce a bill for an Act to authorize a Special Election in the County of Colusi.

Mr. Smith gave notice that he would, on to-morrow, introduce a bill for an Act to amend an Act entitled an Act concerning Toll Bridges.

Mr. Hager gave notice that he would, on to-morrow or some day thereafter, introduce a bill to prevent the use of false stamps and labels.

On motion of Mr. Sprague, the Senate went into Committee of the Whole, Mr. Hubbs in the chair, on the special order of the day, being a bill for "an Act relative to Port Wardens in San Francisco and Sacramento, and other ports of California," and having considered the same for some time,

On motion of Mr. Crabb, the committee rose, reported progress, and asked leave to sit again, which was granted.

Mr. Lott in the chair.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, February 15, 1853.

To the Senate and Assembly of the
State of California:

I have the honor to transmit herewith copies of the correspondence with Gen. M. G. Vallejo, in accordance with the Concurrent Resolution, passed February 4, 1853.

JOHN BIGLER.

On motion of Mr. Lyons, the message and correspondence were referred to the Committee on Finance. (See appendix 19.)

On motion of Mr. Estill, the vote on the adoption of the resolution in reference to the procuring of stationery for the Legislature, was re-considered.

Mr. Estill moved the adoption of the resolution recommended by Mr. Crabb, a minority of the select committee.

Mr. Sprague in the chair. After some discussion,

On motion of Mr. Wombough, the whole matter was laid upon the table.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, February 16, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Ralston, Chairman of the Judiciary Committee, submitted the following report. (See Appendix No. 20.)

The report was accepted, and laid upon the table.

Mr. Wombough presented a memorial from citizens of Colusi county, against the passage of an Act to change the location of the seat of justice of that county.

Which was read and referred to the Committee on Counties and County Boundaries.

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee this day presented to the Governor for his approval, "An Act to repeal an Act entitled an Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same," approved May 1st, 1852.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, to whom was referred the report of the Surveyor General, with instructions to report the number of copies to be printed, reported, recommending the printing of five hundred copies.

On motion of Mr. Lott, the report was adopted, and the printing so ordered.

Mr. Sprague submitted the following report:

Mr. President:

The Judiciary Committee have had under consideration Senate bill No. 21, for "An Act to amend the 14th section of an Act concerning the office of County Treasurer, passed March 27, 1850;" and a majority of said committee have directed me to report the same back to the Senate without amendment, and recommend its passage.

R. T. SPRAGUE,
Of the Committee.

The report was accepted, and laid upon the table.

Mr. Lind offered the following resolutions, which were adopted:

Resolved, That the Resident Physicians of the several State Hospitals are instructed to furnish the Attorney General with the names of all foreign patients who have been treated, or are under treatment, in either of the

State Hospitals and the Insane Asylum; and that the Attorney General inquire whether the commutation tax of said persons has been *paid*, or whether they have given bonds in accordance with law; and that he proceed to prosecute all delinquents.

Resolved, That the Secretary of the Senate be instructed to forward a copy of these resolutions to each of the Resident Physicians of the several State Hospitals, and to the Attorney General.

Mr. Keene offered the following resolution; which was adopted.

Resolved, That the Secretary of State be and is requested to furnish for the use of the Senate a statement of the contract entered into by him on the part of the State, for supplying the Legislature with stationery, with the terms thereof, and such other information upon the subject as may be in his possession.

Mr. Kurtz gave notice that he would, at an early day, introduce a bill for the relief of immigrants travelling overland to California by the northern route and southern route of the Gila.

Mr. Walton gave notice that on to-morrow, or some day thereafter, he would introduce a bill to provide for the payment of a bookkeeper to the Comptroller of State; also, to provide for the payment of a Clerk to the Treasurer of State.

Mr. Baird, on leave, introduced a bill for "An Act to amend an Act entitled an Act to establish a standard of weights and measures," passed March 30, 1850.

Which was read twice, and referred to the Judiciary Committee, with instructions to print the usual number of copies.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to authorize a special election in the county of Colusi;" which was read twice, when

Mr. Lott moved its reference to the Committee on Counties and County Boundaries; which was not agreed to.

The bill was afterwards, on motion of Mr. Wombough, referred to the Committee on Elections, with instructions to report to-morrow morning.

Mr. Estill gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to regulate the interest on money.

Mr. Hager, agreeably to notice, introduced a bill for "An Act to prevent the use of false stamps and labels;" which was read twice and laid upon the table.

The following message was received from the Assembly:

Mr. President:

I am directed to inform the Senate that the Assembly, on yesterday, elected James G. Stebbins, Chief Clerk, to fill the vacancy occasioned by the resignation of Blanton McAlpin.

Also, that the Assembly concurred in Senate amendment to a bill for an

Act to authorize the funding of the debt of Tuolumne county, and to provide for the payment of the same.

Also, that they have adopted Senate Concurrent Resolution, requesting the Governor to confer upon Capt. John A. Sutter the rank of Major General.

J. W. SCOBEY,
Assistant Clerk of Assembly.

February 16, 1853.

Mr. Coffroth, agreeably to notice, introduced a bill for "An Act to provide for the Incorporation of Railroad Companies;"

Which was read twice, and referred to the Judiciary Committee, and one hundred and fifty copies ordered printed.

Mr. Smith, agreeably to notice, introduced a bill for "An Act to amend an Act entitled an Act concerning Toll Bridges;" which was read twice, and

On motion of Mr. Wombough, referred to the Committee on Roads and Highways.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed:

A bill for an Act in relation to certain Contingent Expenses of the Legislature.

And an Act to prevent the establishment of Pest Houses in any town or city in this State.

Report adopted.

Mr. Kurtz gave notice that he would, at an early day, introduce a bill relative to the Fitzgerald Volunteers.

On motion of Mr. Hager, "An Act to prevent the use of false stamps and labels," was taken from the table.

Mr. Hubbs moved its reference to the Committee on Commerce and Navigation.

Which was agreed to.

On motion of Mr. Lott, the Senate went into Committee of the Whole, on a bill for "An Act relative to Port Wardens in San Francisco, Sacramento, and other ports of California," Mr. Sprague in the chair, and after having considered the bill for some time,

On motion of Mr. Hubbs, the Committee rose, reported progress, and asked leave to sit again; which was granted.

On motion of Mr. Hubbs, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, February 17, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Crabb, Chairman of the Committee on Elections, to whom was referred a bill for "An Act to authorize a Special Election in the county of Colusi," reported the same back without amendment, and recommended its passage.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred the bill for "An Act to prevent extortion, and to enforce official duty," reported the same back without amendment, and asked the concurrence of the Senate in the same.

The report was accepted and laid upon the table.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, February 16, 1853.

To the Senate and Assembly of the State of California:

I have the honor to transmit herewith communications with accompanying papers received at this Department on the 30th ultimo, from Capt. Benjamin Wright and Sheriff McDermitt, in reference to expenditures made and services rendered in protecting the citizens of Siskiyou and the adjoining counties from Indian aggressions.

Information derived from other reliable sources enables me to state, that in consequence of the absence of that defence which the General Government should have afforded, there existed at the time these services were rendered, actual and imperious necessity for some efficient action in the protection of the citizens of that portion of the State. Capt. Wright, Sheriff McDermitt, and those under their command, opportunely extended the aid required, and in this respect have rendered important services, not only to the residents of this State, but also to emigrants making their way hither by the northern overland route.

I therefore commend the subject to the favorable consideration of the Legislature.

JOHN BIGLER.

The message and accompanying documents marked A, B, C, D, E, F, G, H, I and J, (see Appendix No. 21,) were on motion of Mr. Sprague, referred to the Committee on Indian Affairs, with instructions to report as soon as practicable.

Mr. Coffroth, Chairman of the Committee on Federal Relations, submitted the following report. (See Appendix No. 22.)

The report was adopted.

Mr. Keene moved that the substitute reported by the Committee be adopted, which was agreed to.

It was then read a third time and passed.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred the bill for "An Act to authorize a transfer of causes from the Superior Court of the city of San Francisco," reported the same back with a substitute, and recommended the adoption of the same.

Mr. Keene moved to lay the report upon the table. Lost.

The substitute was then adopted, the bill considered engrossed, read a third time, and passed.

The following report was received from the Secretary of State. (See Appendix No. 23.)

On motion of Mr. Keene, the minority report of the Select Committee, to whom was referred the resolution authorizing the Sergeant-at-Arms to purchase such amount of stationery as may be necessary for the use of the Senate, was taken from the table and read.

The majority report was also read.

Mr. Keene moved the adoption of the resolutions submitted by the majority of the Committee, which was agreed to.

Mr. Crabb submitted the following report. (See Appendix 24.)

Mr. Keene moved that the report be adopted, which was agreed to.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred the petition of Thomas Golding, reported the same back, and recommended that the prayer of the petitioner be not granted.

The report was accepted and laid on the table.

Mr. Estill gave notice that he would, on to morrow or at an early day thereafter, introduce a joint resolution instructing our Senators and requesting our Representatives in Congress, to apply to the United States for a grant of land, for the purpose of assisting in the construction of the railroad from Benicia to Marysville.

On motion of Mr. Wombough, the bill for "An Act to authorize a Special Election in the county of Colusi," was taken from the table. After some discussion, on motion of Mr. Wade, the bill was re committed to the Committee on Elections.

The following message was received from the Governor.

EXECUTIVE DEPARTMENT,
Benicia, February 17, 1858.

To the Senate and Assembly of the State of California:

I have the honor to transmit herewith a copy of a release executed by M. G. Vallejo, and approved by the Attorney General of the State, in accordance with requirements of "An Act for the permanent location of the Seat of Government," approved February 4, 1853. (See Appendix No. 25.)

JOHN BIGLER.

On motion of Mr. Keene, the message and release were referred to the Committee on Finance.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed a bill for an Act entitled "An Act to authorize a transfer of causes from the Superior Court of the city of San Francisco," and Joint Resolution relative to mail routes in California.

Report adopted.

Mr. Ralston gave notice that he would, on to-morrow or some other day, ask leave to introduce a bill for an Act to authorize poor persons, in certain cases, to prosecute suits in any of the courts of this State, without the payment of costs to the officers of court.

Mr. McKibben, Chairman of the Committee on Education and State Library, to whom was referred Assembly Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations, reported the same back, and recommended its passage, substituting for the title of the same "An Act to create an Historical Society for the State of California."

The report was accepted and laid upon the table.

Mr. Smith, agreeably to notice, introduced a bill for an Act to amend an Act entitled "An Act concerning Toll Bridges;" which was read twice, and referred to the Committee on Corporations, and two hundred and forty copies ordered printed.

A message was received, informing the Senate that the Assembly passed on yesterday "Senate Joint Resolution, granting four months' leave of absence to Delos Lake, Judge of the Fourth Judicial District."

Also, a resolution requesting the Clerk to procure from the Senate a copy of the Report of the Trustees of the Stockton State Hospital; and that the Governor approved on the 15th inst. an Act to repeal an Act entitled "An Act to authorize the funding of the debt of the county of El Dorado, and to provide for the payment of the same," approved May 1, 1852.

And also, "An Act for the relief of the steamer S. B. Wheeler."

Assembly bill for "An Act for the relief of the steamer S. B. Wheeler," was read twice, and on motion of Mr. Crabb, referred to the Committee on Claims.

Mr. Snyder presented the petition of citizens of San Francisco, requesting that the ferry laws might be so amended as to exempt the Bay of San Francisco from their operation, and moved its reference to the Committee on Commerce and Navigation.

The petition was read and so referred.

Mr. Snyder also presented the petition of citizens of San Francisco, praying the passage of a venue law authorizing the transfer of causes from the Superior Court of the city of San Francisco; which was read and referred to the Committee on the Judiciary.

On motion of Mr. McKibben, the report of the Committee on Education and State Library, upon Assembly Joint Resolution concerning the Historical Society of the State of California, formed under the law concerning Corporations, was taken from the table.

Mr. McKibben moved the adoption of a substitute, as follows:

"An Act to create an Historical Society for the State of California," which was agreed to, and the bill read a third time and passed.

On motion of Mr. Coffroth, the Senate went into committee of the whole, Mr. Lott in the chair, on the bill for "An Act relative to Port Wardens

in San Francisco, Sacramento and other ports of California;" and having considered the same and made various amendments thereto,

On motion of Mr. Crabb, the committee rose and reported the bill back to the Senate.

Mr. Lyons moved that the Senate concur generally in the amendments made in committee of the whole, which was agreed to.

Mr. Keene moved to adjourn, on which Messrs. Lyons, Coffroth and Wombough, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Ralston,
Foster,	Snyder,
Hager,	Sprague,
Hudspeth,	Wade—10.

NAYS.

Messrs. Crabb,	Messrs. Lott,
Coffroth,	Lyons,
Denver,	Walkup,
Estill,	Walton,
Hubbs,	Wombough—11.
Lind,	

Mr. Hager moved to amend the bill by striking out the fourth section.

Mr. Sprague moved to adjourn.

On which the ayes and nays were demanded by Messrs. Lyons, Coffroth, and Wombough, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Ralston,
Foster,	Snyder,
Hager,	Sprague,
Hudspeth,	Wade—10.

NAYS.

Messrs. Crabb,	Messrs. Lott,
Coffroth,	Lyons,
Denver,	Walkup,
Estill,	Walton,
Hubbs,	Wombough—11.
Lind,	

Mr. Sprague moved a call of the Senate.

On which Messrs. Coffroth, Lyons, and Wombough, demanded the ayes and nays, and

The Senate refused to sustain the call by the following vote:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Ralston,
Crabb,	Snyder,
Estill,	Sprague,
Hager,	Wombough—10.

NAYS.

Messrs. Coffroth,	Messrs. Lott,
Denver,	Lyons,
Foster,	Wade,
Hubbs,	Walkup,
Hudspeth,	Walton—11.
Lind,	

Mr. Hager renewed his motion to strike out the fourth section of the bill.

Mr. Coffroth moved a call of the Senate, which was sustained,

And the roll being called, Messrs. De la Guerra, Gruwell, Keene, Kurtz, McKibben, Ralston, Roach, Smith, Snyder, and Sprague, were absent.

The Sergeant-at-Arms was despatched for the absentees.

Mr. Crabb was granted half an hour's leave of absence.

Mr. Roach appeared, stated his excuse, and

On motion of Mr. Lind, was relieved from the action of the call.

Mr. Hager moved to suspend further proceedings under the call. Lost.

Some time having elapsed, Mr. Wade moved that further proceedings under the call be suspended.

Which was agreed to.

Mr. Hubbs moved that the Senate take a recess until 7, P. M.

On which Messrs. Wombough, Coffroth, and Lyons, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Denver,	Roach,
Foster,	Wade,
Hubbs,	Walkup,
Hudspeth,	Walton—10.

NAYS.

Messrs. Baird, Messrs. Hager,
Crabb, Lind,
Coffroth, Lyons,
Estill, Wombough—8.

So the Senate took a recess until 7, P. M.

EVENING SESSION.

Senate re-assembled at 7, P. M.

President in the chair.

The bill for "An Act relative to Port Wardens in San Francisco, Sacramento, and other Ports of California," was taken under consideration.

Mr. Wade moved the following amendment to section first:

Strike out the words in the first section: "Who shall be appointed by the Governor with the advice and consent of the Senate," and insert: "Who shall be elected at the General Election by the people in their respective counties."

On which Messrs. Wade, Kurtz, and Baird, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Messrs. Kurtz,
Catlin, Snyder,
Hager, Wade—6.

NAYS.

Messrs. Coffroth, Messrs. Lott,
Denver, Lyons,
De la Guerra, Ralston,
Foster, Sprague,
Hubbs, Walkup,
Lind, Wombough—12.

So the amendment was lost.

Mr. Hager moved to strike out all after the word "mariners" in the second section,

On which Messrs. Wade, Baird and Hager demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Catlin, Hager, Kurtz, Snyder, Wade—6.

NAYS.

Messrs. Coffroth, Denver, De la Guerra, Foster, Hubbs, Lind, Lott, Lyons, Sprague, Walkup, Wombough—11.

So the amendment was lost.

Mr. Coffroth moved to amend section ten, by striking out all after the words "a fee of $2 50," and inserting the following:

"And for each order of sale, they shall be allowed ten dollars."

Which was agreed to.

Mr. Wade moved to amend by adding to the tenth section the following words:

"That the Port Wardens shall each keep an account of all fees received, and after deducting the necessary expenses of the office, and an annual salary of $4,000 for each Warden, they and each of them are to pay the balance of all fees into the State Treasury."

Mr. Baird moved to amend the amendment by striking out $4,000, and inserting $6,000; which was agreed to.

On the adoption of the amendment as amended, the ayes and nays were demanded by Messrs. Wade, Baird, and Kurtz, with the following result:

AYES.

Messrs. Baird, Catlin, Hager, Kurtz, Snyder, Wade, Walkup—7.

NAYS.

Messrs. Coffroth, Denver, De la Guerra, Foster, Hubbs, Lyons, Ralston, Roach, Smith, Sprague,

Messrs. Keene,
Lind,
Lott,
Messrs. Walton,
Wombough—15.

So the amendment was lost.

Mr. Hager moved to amend by inserting at the end of section eleven the following words:

"*Provided, however*, That nothing herein contained shall prevent any person or persons from acting as Appraisers or Arbitrators of damaged goods in any case or cases belonging to the duties of the Wardens of the Ports of California, whenever they shall or may be required in writing to act as such by the persons interested in the act or acts to be done, or by their lawful agents, or from making his or their award in such case or cases, as in any other matter of skill or judgment, or of arbitration."

On which Messrs. Hager, Wade, and Kurtz, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Hager,
Messrs. Kurtz,
Snyder,
Wade—6.

NAYS.

Messrs. Coffroth,
Denver,
De la Guerra,
Estill,
Foster,
Hubbs,
Hudspeth,
Keene,
Lind,
Messrs. Lott,
Lyons,
Ralston,
Reach,
Smith,
Sprague,
Walkup,
Walton,
Wombough—18.

So the amendment was lost.

On motion of Mr. Coffroth, the bill was then ordered engrossed for a third reading.

Mr. Lott moved to take from the table the report of the Committee on Claims as follows:

Mr. President:

The Committee on Claims, to whom was referred the petition of Thomas Golding, and others, for his relief, having had the same under consideration, report that they are, at present, unable to recommend any aid to the peti-

tioner. The matter under consideration is one of a peculiar character, and perhaps without any precedent, at least in California; and it is a subject of great doubt with your Committee whether petitions of this nature are proper to be presented to a Legislature.

CHARLES F. LOTT,
Chairman.

On motion of Mr. Lind, the report was adopted.

Mr. Walton gave notice that he would, on to-morrow, move to reinstate Rule No. 38, of the Rules and Orders adopted January, 1853, with this amendment:

After the words "be printed for the use of the Senate" in the second line of the printed Rules and Orders, insert "unless otherwise ordered."

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, February 18, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Ralston, chairman of the Judiciary Committee, to whom was referred Assembly bill for "An Act to repeal an Act concerning Courts of Justice," reported the same back, and recommended its rejection;—a bill already having passed both Houses, during the present session, for the same purpose.

The report was accepted and laid upon the table.

Mr. Ralston also reported back Senate bill for "An Act amendatory of an Act to authorize married women to transact business in their own names as sole traders," and recommended that two hundred and forty copies of the bill be printed, and the bill be referred to the same committee.

The report was adopted, and the printing so ordered.

Mr. Ralston also reported back Senate bill for "An Act to exempt the Homestead from forced sale in certain cases," and recommended that two

hundred and forty copies be printed, and the bill referred to the same committee.

The report was adopted, and the printing so ordered.

Mr. Ralston gave notice that he would on to-morrow ask leave to introduce a bill for "An Act to provide against the loss of papers at the fire at the city of Sacramento on the second day of November, 1852."

On motion of Mr. Lott, it was

Resolved, That the Sergeant-at-Arms be authorized and directed to procure such furniture as is necessary for the use of the Senate, and Committee Rooms belonging to the Senate.

Mr. Kurtz, agreeably to notice, introduced a bill for "An Act for the relief of emigrants travelling overland to California;" which was read twice and referred to the Committee on Public Expenditures.

On motion of Mr. Ralston, the report of the Judiciary Committee on Senate bill for "An Act to prevent extortion under color of office and to enforce official duty," was taken under consideration.

The amendments recommended by the committee were concurred in, and the bill as amended ordered engrossed for a third reading.

Mr. Snyder, from the Committee on Elections, to whom was recommitted the bill for "An Act to authorize a special election in the county of Colusi," reported the same back with a substitute, and recommended its passage.

The substitute was then adopted.

Mr. Lott moved to amend the third section by inserting the following after the word days: "After he shall have received a certified copy of this Act."

Which was agreed to.

On motion of Mr. Wombough, the bill was considered engrossed, the rules suspended, it was read a third time and passed.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled Joint Resolution granting four months' leave of absence to Hon. Delos Lake.

Report adopted.

Mr. Smith, agreeably to notice, introduced a bill for "An Act for the relief of W. N. Walton;" which was read twice and referred to the Committee on Elections.

Mr. Roach, chairman of the Committee on Commerce and Navigation, reported back without amendment, Assembly bill for "An Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano," passed May 3d, 1852, and recommended its passage.

The bill was read a third time and passed.

Mr. Roach, from the same committee, also reported back, with an amendment, Senate bill for "An Act to prevent the use of false stamps and labels," and recommended its passage.

The amendment of the committee was concurred in, the bill read a third time and passed.

A message was received, informing the Senate that the Assembly refused to pass, yesterday, Senate bill, "An Act to fix the compensation of all County Judges, where not otherwise provided for, and the Associate Justices of

the Courts of Session, and to repeal so much of a like Act passed April 22, 1850, as relates to the county of Monterey."

And refused to recede from their amendment to Senate bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings," and appointed Messrs. Heydenfeldt, Morse and Fairfax, as a committee of conference on the disagreeing vote of the two Houses.

And passed a bill for "An Act for the contingent enpenses of the Supreme Court and State officers."

The bill accompanying the message was read twice; and,

On motion of Mr. Coffroth, referred to the Committee on Finance.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee this day presented to the Governor for his approval a "Joint Resolution granting four months' leave of absence to Delos Lake, Judge of the Fourth Judicial District."

Report adopted.

Mr. Walton, agreeably to notice, introduced a bill for "An Act authorizing the appointment of a Book-keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer of State, and to provide for their payment;" which was read twice; and,

On motion of Mr. Lyons, referred to the Committee on Claims.

Mr. Walton, pursuant to notice, moved to re-instate Senate Rule No. 38, with this amendment: After the words, "be printed for the use of the Senate," in the second line, insert, "unless otherwise ordered."

Which was agreed to.

Mr. Smith, chairman of the Committee on Counties and County Boundaries, reported back Senate bill for "An Act authorizing the purchase of one hundred and fifty copies of Gibbes' Map of California," and recommended its passage with amendments.

Mr. Lind moved to lay the report upon the table. Lost.

On the question of concurring in the amendments, the ayes and nays were demanded by Messrs. Walton, Sprague and Ralston, and the Senate refused to concur by the following vote:

AYES.

Messrs. Catlin, Denver, Estill, Hubbs, Kurtz, Smith, Wade—7.

NAYS.

Messrs. De la Guerra, Foster, Gruwell, Hager, Hudspeth, Keene, Lind, Lott, Lyons, Ralston, Roach, Snyder, Sprague, Walkup, Walton—15.

The bill was then read a third time: and on the question, "Shall the bill be passed?" the ayes and nays were demanded by Messrs. Sprague, Ralston and Kurtz, and the Senate refused to pass the bill by the following vote:

AYES.

Messrs.	Catlin,	Messrs.	Estill,
	Denver,		Smith,
	De la Guerra,		Wade—6.

NAYS.

Messrs.	Foster,	Messrs.	Lyons,
	Gruwell,		Ralston,
	Hubbs,		Roach,
	Hudspeth,		Snyder,
	Keene,		Sprague,
	Kurtz,		Walkup,
	Lind,		Walton—15.
	Lott,		

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to create an Historical Society of the State of California."

Report adopted.

A message was received, informing the Senate that the Assembly this day passed "An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State and the Superior Court of San Francisco."

The bill was read a first time.

On motion of Mr. Smith, the rules were suspended and the bill read a second time.

Mr. Hager moved its reference to the Judiciary Committee; which was agreed to.

On motion of Mr. Wade, the committee was instructed to report the bill back to-morrow.

Mr. Denver moved to adjourn. Lost.

Mr. Smith, chairman of the Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Carson Valley, praying to be annexed to this State for judicial purposes, until the Congress of the United States may otherwise provide, reported the same back verbally, for the consideration of the Senate.

Report accepted.

Mr. Sprague, chairman of the Committee on Indian Affairs, to whom was referred the petition of the citizens of Carson Valley, asking the Legislature to use its influence with the Government of the United States to procure the appointment of a suitable person as Indian Agent in that vicinity, reported the same back verbally for the consideration of the Senate.

Report accepted.

Mr. Denver moved that all petitions from citizens of Carson Valley be referred to the Committee on Federal Relations, with instructions to report the proper steps to be taken for the purpose of annexing that portion of country to the State of California; which was agreed to.

Mr. Sprague moved to amend by referring to a select committee of three, Messrs. Keene, Estill and Denver, which was agreed to.

Mr. Snyder presented the accounts of Messrs. Soule and Page against the State, for lumber, and moved their reference to the Committee on Claims; which was agreed to.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Saturday, February 19, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Coffroth presented the memorial of residents of Columbia, Tuolumne county, praying the Legislature to pass a law prohibiting, under suitable penalties, all public auctions, exhibitions and amusements, on the first day of the week; which was read.

Mr. Gruwell moved its reference to a Select Committee of five on Vice and Immorality; which was agreed to.

And the Chair announced as the committee, Messrs. Gruwell, Coffroth, Sprague, Catlin and Hager.

Mr. Lott presented the petition of some eight citizens of Sutter county, living on the east side of Sacramento river, praying that the county line might be so changed as to throw them into Butte county; which was read and referred to the Committee on Counties and County Boundaries.

Mr. Denver presented the petition of citizens of Trinity county, praying the Legislature to grant a charter to Alvin Moltroup and John Croston to build a Toll Bridge across Trinity river.

And introduced, on leave, a bill for "An Act to authorize Alvin Moltroup and John Croston to collect tolls on a bridge across Trinity river in Trinity

county;" which was read a first and second time, and referred to the Committee on Corporations.

Mr. Baird presented the account of John Taylor, and moved its reference to the Committee on Claims; ; which was agreed to.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his approval, "An Act to authorize the funding of the debt of the county of Tuolumne, and to provide for the payment of the same."

Report adopted.

Mr. Lott, Chairman of the Committee on Claims, reported back without amendment, Assembly bill "An Act for relief of the steamer S. B. Wheeler," and recommended its passage.

The bill was read a third time and passed.

Mr. Ralston, Chairman of the Committee on the Judiciary, to whom was referred a petition of the members of the bar of San Francisco, asking the passage of a law removing causes from the Superior Court of San Francisco, reported the same back for the consideration of the Senate.

Mr. Snyder asked for and was granted leave to withdraw this petition.

Mr. Ralston, Chairman of the Committee on the Judiciary, reported back Assembly bill for "An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State, and the Superior Court of San Francisco," with the opinion that the bill in its present form is unconstitutional and ought not to be passed.

The report was concurred in and laid upon the table.

A message was received from the Governor, informing the Senate that he had, this day, appointed Hon. J. W. Denver, Secretary of State, vice Hon. W. Van Voorhies, resigned, and requesting the approval of the Senate to the same.

On motion of Mr. Estill, the message was laid upon the table for the present.

Mr. Hubbs gave notice that he would, on Wednesday next, ask leave to introduce a Joint Resolution in relation to the War Debt.

Mr. Snyder, from the Committee on Elections, reported back without amendment, "An Act for the relief of W. A. Walton," and recommended its passage.

The bill was then read a third time, and on the question, "Shall the bill be passed?" The ayes and nays were demanded by Messrs. Hubbs, Sprague and Wombough, with the following result:

AYES.

Messrs. Catlin,	Messrs. Hager,
Coffroth,	Hudspeth,
Denver,	Kurtz,
De la Guerra,	Lott,
Estill,	Ralston,
Foster,	Smith,
Gruwell,	Snyder—14.

NAYS.

Messrs. Hubbs, Messrs. Walkup,
Lyons, Walton,
Sprague, Wombough—6.

So the bill was passed.

Mr. Kurtz gave notice that, at an early day, he would introduce a bill to amend an Act entitled "An Act for the relief of the Indigent Sick."

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee had, this day, presented to the Governor for his approval "An Act to authorize the funding of the debt of the county of Tuolumne, and to provide for the payment of the same."

Report adopted.

Mr. Wombough gave notice that, at an early day, he would introduce a bill for an Act to regulate the mode of petitioning the Legislature in certain cases.

Mr. Wade gave notice that he would, on Monday next, introduce a bill to amend the 144th section of an Act concerning Corporations, passed April 22, 1850.

Mr. Snyder introduced a Concurrent Resolution to adjourn the Legislature *sine die*, on the 20th day of March, 1853.

Mr. Smith moved that the resolution be indefinitely postponed; which was agreed to.

Mr. Hubbs moved the adoption of a resolution, instructing the Secretary to furnish to each Senator a printed list of the unfinished business; which was lost.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, a bill for "An Act to prevent the use of false Stamps and Labels;"

"An Act to authorize a Special Election in the county of Colusi;" and

"An Act for the relief of W. Niel Walton."

Report adopted.

The unfinished business of the Senate was then taken under consideration.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back, verbally, Assembly Concurrent Resolution, condemning the proceedings of the Federal and Municipal officers of San Francisco, in reference to a banquet given to the French Consul, and recommended its passage with an amendment.

The report was accepted and the amendment concurred in.

Mr. Estill moved to indefinitely postpone the resolution.

On which Messrs. Lyons, Coffroth and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs Baird,	Messrs. Hudspeth,
Catlin,	Lind,
De la Guerra,	Smith,
Estill,	Sprague,
Gruwell,	Wade—11.
Hager,	

NAYS.

Messrs. Coffroth,	Messrs. Lyons,
Denver,	Ralston,
Hobbs,	Walkup,
Kewen,	Walton,
Lott.	Woumbough—10.

So the resolution was indefinitely postponed.

The Senate, before the vote was taken refused to excuse Mr. Gruwell from voting.

Mr. Ralston, agreeably to notice, introduced a bill for "An Act to authorize poor persons, in certain cases, to prosecute suits without the payment of costs;" which was read a first time.

On motion of Mr. Ralston, the rules were suspended, the bill read a second time.

A message was received informing the Senate, that the Assembly, this day, passed an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, February 21, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Saturday was read and approved.

Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature," received by message on the 19th inst., was read a first and second time.

Mr. Keene moved a suspension of the rules, and that the bill be read a third time.

Mr. Lind moved to lay the bill upon the table.

Which was agreed to.

On motion of Mr. Wade, Mr. Crabb was granted leave of absence from Friday last until Monday.

On motion of Mr. Keene, Mr. Walton was granted leave of absence until Wednesday next.

Mr. Hubbs gave notice that he would, on Wednesday next, ask leave to introduce a bill in relation to the rates to be levied upon real and personal property, for the fiscal year 1853–4, and for the appointment of collectors of taxes.

Mr. Denver presented the petition of A. G. Hart, M. D., praying remuneration for medical services rendered the sick in Carson Valley, in 1852, by direction of Gen. James S. Raines, of the Relief Expedition.

The petition was read, and referred to the Committee on Claims, with the accompanying account.

Mr. Denver, on leave, introduced a bill for an Act to authorize the construction of a wagon road from Weaverville, in the county of Trinity, to the Free-Bridge House on Clear Creek, in the county of Shasta, and moved its reference to the Committee on Corporations.

The bill was read a first and second time, and so referred.

On motion of Mr. Denver, two hundred and forty copies were ordered printed.

The President laid before the Senate a communication from James W. Robinson, requesting that the papers in the contested case of James W. Robinson vs. D. B Kurtz, be transmitted to the Speaker of the Assembly.

On motion of Mr. Crabb, the request was granted, and the Secretary instructed to transmit the papers.

Mr. Ralston, chairman of the Judiciary Committee, reported a bill for an Act concerning Repealed Statutes, and recommended its passage.

The report was adopted, and the bill read a first and second time, when,

On motion of Mr. Sprague, the rules were suspended, the bill read a third time and passed.

Mr. Lyons, chairman of the Committee on Engrossment, reported as

correctly engrossed, a bill for an Act relative to Port Wardens in San Francisco, Sacramento, and other ports in California.

Report adopted.

The bill was then read a third time, when

Mr. Ralston moved to lay it upon the table for one day.

Which was agreed to.

Mr. Kurtz offered the following resolution:

Resolved, That when the Senate adjourn, it stand adjourned until Wednesday at 2 o'clock, P. M., in honor of the birth-day of Washington.

Mr. Baird moved to amend, by striking out "2" and inserting "7."

Which was lost by the following vote, the ayes and nays being demanded by Mr. Sprague:

AYES.

Messrs.	Baird,	Messrs.	Lott,
	De la Guerra,		Snyder—5.
	Estill,		

NAYS.

Messrs.	Catlin,	Messrs.	Kurtz,
	Crabb,		Lind,
	Coffroth,		Lyons,
	Denver,		Ralston,
	Foster,		Smith,
	Gruwell,		Sprague,
	Hager,		Wade,
	Hubbs,		Walkup,
	Hudspeth		Wombough—19.
	Keene,		

The question was then taken on the resolution, and it was lost.

Mr. Wade, agreeably to notice, introduced a bill for an Act to amend an Act concerning Corporations.

Which was read the first time, and ordered printed, under the rule.

Mr. Smith, from the Judiciary Committee, reported back a bill for "an Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial officers," and recommended its passage with amendments.

The report was accepted.

Mr. Lott moved that the amendments reported by the Committee be ordered engrossed.

Mr. Hager moved that the bill be recommitted.

Which was agreed to.

Mr. Hubbs moved a reconsideration of the vote rejecting the resolution to adjourn to Wednesday.

Which was agreed to.

Mr. Kurtz moved to amend by striking out "2, P. M."

Which was agreed to; and the resolution was then adopted.

On motion of Mr. Crabb, Assembly bill for an Act to regulate the business of the general and special terms of the Supreme and District Courts of this State, and the Superior Court of San Francisco, was taken from the table.

Mr. Ralston moved to recommit the bill to the Judiciary Committee. Lost.

Mr. Lott moved that it be indefinitely postponed.

On which Messrs. Coffroth, Lyons and Crabb, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Ralston,
Gruwell,	Snyder,
Hager,	Sprague,
Hubbs,	Walkup—11.
Hudspeth,	

NAYS.

Messrs. Crabb,	Messrs. Kurtz,
Coffroth,	Lind,
Denver,	Lyons,
De la Guerra,	Smith,
Estill,	Wade—11.
Foster,	

Before the President had announced the result,

On motion of Mr. Sprague, the vote was ordered to be retaken, and resulted as follows:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Ralston,
Gruwell,	Snyder,
Hager,	Sprague,
Hubbs,	Walkup—11.
Hudspeth,	

NAYS.

Messrs. Crabb,	Messrs. Kurtz,
Coffroth,	Lind,
Denver,	Lyons,
De la Guerra,	Smith,
Estill,	Wade,
Foster,	President—12.

So the motion to postpone indefinitely was lost.

Mr. Hager moved to amend the bill, by excepting San Francisco and Sacramento counties.

Mr. Lott moved to amend the amendment, by adding Butte county.

Which was accepted.

The amendment as amended was lost.

Mr. Coffroth moved that the bill be put upon its third reading.

Mr. Sprague moved a call of the Senate, which was sustained.

On motion of Mr. Sprague, proceedings under the call were dispensed with.

The question then recurring on the third reading of the bill,

The ayes and nays were demanded by Messrs. Ralston, Coffroth and Hubbs, with the following result:

AYES.

Messrs. Crabb, Coffroth, Denver, De la Guerra, Estill, Foster, Keene, Lind, Lyons, Smith, Wade—11.

NAYS.

Messrs. Baird, Catlin, Gruwell, Hager, Hubbs, Hudspeth, Kurtz, Lott, Ralston, Snyder, Sprague, Walkup, Wombough—13.

So the motion to read a third time was lost.

Mr. Crabb presented the petition of citizens of Stockton, asking the Legislature to enact a law enlarging the powers of the corporate authorities over the subject of city improvements, and moved its reference to the Committee on Corporations.

Which was agreed to.

Mr. Crabb, on leave, introduced a bill for an Act supplementary to the Act to reincorporate the City of Stockton, approved April 21, 1852.

Which was read a first and second time.

On motion of Mr. Crabb, the usual number of copies were ordered printed.

Mr. Ralston moved a reconsideration of the vote to lay the Port Warden bill on the table for one day.

Which was agreed to.

Mr. Ralston then moved that the bill be recommitted to the Committee

on Commerce and Navigation, with instructions to amend the bill so as to make it more distinctly applicable to other ports, besides San Francisco.

On which, Messrs. Lyons, Sprague and Coffroth, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Ralston,
Crabb,	Snyder,
Foster,	Sprague,
Gruwell,	Wade,
Hager,	Wombough—13.
Hudspeth,	

NAYS.

Messrs. Coffroth,	Messrs. Lind,
Denver,	Lott,
De la Guerra,	Lyons,
Estill,	Smith,
Hubbs,	Walkup—11.
Kurtz,	

So the bill was recommitted.

The following message was received from the Governor:

Executive Department,
Benicia, February 21, 1853.

To the Senate of California:

I herewith return, for the reconsideration of the Senate, in which it originated, a Joint Resolution granting the Hon. Delos Lake, Judge of the Fourth Judicial District, leave of absence from the State for four months.

The practice of granting the most important and indispensable of our State officers leave of absence from their official duties, is believed to be contrary to the spirit of the Constitution, and dangerous to the rights and interests of the people.

In reference to the Judiciary, who determine the most vital and urgent questions connected with the rights of persons and property, and whose duties are of such a character that they never should be entrusted to deputies, it is especially objectionable.

The resolution under consideration grants this privilege, upon condition that the Judge procure a substitute to perform the duties of his office during his absence.

District Judges are elected by the people of their respective districts, and by them invested with powers which cannot be delegated. The Constitution wisely confers on the electors of each judicial district, the right of choosing the individual whom they prefer to determine their controversies, and that privilege cannot be taken away by Legislation.

This resolution, however, is understood to authorize the agent elected by the people to transfer his powers to another, thus rendering it possible to thwart the wishes of those who alone have the right of control in this respect, and to place the dearest interests of the people of a district, for a time at least, in the hands of one in whom they may have no confidence, and who may even be odious to them.

I am aware that the first clause of the thirty-fifth section of the Act of 1851, relative to Courts of Justice and Judicial Officers, gives to the Judge this power of substitution; but I have always doubted the constitutionality, as well as the expediency of that provision. The second clause of the same section provides that "when by reason of absence from the State or other cause, the term of Court cannot be held in a district by the Judge thereof, the Governor shall direct some other district judge to hold such term." This latter provision, in its practical application, has been found exceedingly difficult satisfactorily to execute. It is impossible for the Executive to know the condition of judicial business within a district, or the necessity which may exist for the presence of a judge, and thus far, in every case in which it became necessary to perform the duty required by the closing clause of this section, the people of the district from which the Judge was temporarily detailed to perform the duties of another, have been seriously inconvenienced.

It is proper here to state, in explanation, that since I approved the resolution granting leave of absence to the Hon. Hugh C. Murray, one of the Supreme Judges of the State, the Legislature have repealed the Act authorizing appointments to supply "temporary vacancies caused by the absence of judges," with the consent of the Legislature.

The repeal of the Act referred to was regarded as indicating a determination on the part of the Legislature, thereafter, to refuse permission to judges and other officers elected by the people to leave the State.

Entertaining these views, I shall hereafter regard it a duty to withhold my approval from any act allowing these officers to absent themselves from the State.

(Signed.) JOHN BIGLER.

Mr. Keene moved that the Senate proceed to reconsider the vote by which the joint resolution was passed.

Mr. Hager moved to lay the message on the table. Lost.

Mr. Coffroth moved a call of the Senate.

Which was sustained, and Messrs. Catlin, Estill, McKibben, Roach, Smith and Snyder, were absent.

On motion of Mr. Lott, Mr. Roach was granted leave of absence.

Mr. Coffroth moved that further proceedings under the call be suspended.

Which was agreed to.

Mr. Crabb moved to amend the resolution.

Mr. Sprague rose to a point of order—that no amendment could be made under the rule, to the motion to reconsider.

The point of order was sustained.

Mr. Coffroth in the chair.

Mr. Gruwell moved to adjourn. Lost.

Mr. Crabb moved to lay the motion to reconsider on the table.

The Chair ruled the motion out of order.

Mr. Lind moved the previous question.

On which Messrs. Crabb, Wade and Hubbs, demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
Denver,	Lyons,
De la Guerra,	Ralston,
Estill,	Snyder,
Foster,	Sprague,
Hubbs,	Walkup,
Hudspeth,	Wombough—15.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Keene,
Crabb,	Kurtz
Gruwell,	Wade—6.

So the previous question was sustained.

The question then recurring on the motion to reconsider,

The ayes and nays were demanded by Messrs. Sprague, Hubbs and Crabb, with the following result:

AYES.

Messrs. Baird,	Messrs. Lind,
Coffroth,	Lott,
Denver,	Lyons,
De la Guerra,	Ralston,
Estill,	Snyder,
Gruwell,	Sprague,
Hubbs,	Wade,
Hudspeth,	Walkup,
Keene,	Wombough—19.
Kurtz,	

NAYS.

Mr. Crabb,	Mr. Foster—2.

So the vote was reconsidered.

Mr. Baird moved a call of the Senate. Lost.

The question then recurring, "Shall the main question be now put, and the Joint Resolution be passed, the objections of the Governor to the

contrary notwithstanding?" it was decided in the negative by the following vote:

AYES.

Messrs. Baird, Crabb, Hudspeth, Keene, Kurtz, Snyder, Wade—7.

NAYS.

Messrs. Coffroth, Denver, De la Guerra, Estill, Foster, Gruwell, Hubbs, Lind, Lott, Lyons, Ralston, Sprague, Walkup, Wombough—14.

Mr. Hubbs moved that the committee to whom the Port Warden bill was recommitted, be instructed to report the same back to the Senate on Wednesday morning.

Which was agreed to.

Mr. Lott, on leave, introduced a bill for an Act amendatory of, and supplementary to, the Act entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State."

Which was read the first time, and ordered printed, under the rule.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, a bill for "An Act to prevent extortion under color of office, and to enforce official duty."

Report adopted.

On motion of Mr. Denver, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, February 23, 1853.

Senate met pursuant to adjournment.

President, *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Lind from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act amendatory of an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano."

Report adopted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act concerning repealed Statutes."

Report adopted.

Mr. Hubbs, Chairman of the Finance Committee, reported back, with amendments, Assembly bill for "An Act to provide for the contingent expenses of the Supreme Court and State Officers," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Foster gave notice that, on to-morrow or an early day thereafter, he would introduce a bill entitled "An Act to fund the debt of Los Angeles county and provide for the payment thereof;"

Also a bill for "An Act authorizing the Board of Supervisors of Los Angeles county to levy a special tax for the erection of county buildings."

The following message was received from the Governor:

Executive Department,
Benicia, February 23, 1853.

To the Senate and Assembly of California:

I have the honor, herewith, to transmit a copy of a communication received on the 21st inst. from Hon. J. C. G. Kennedy, Superintendent of United States Census, in reference to the embodiment and publication of the Census Returns of California, in pursuance of an Act of Congress, passed at the present session.

In order to comply with the Act of Congress, referred to, it will be necessary to either transmit the original abstracts and reports now on file in the office of the Secretary of State, or have copies of the same prepared and properly authenticated. The expenses of furnishing blanks and preparing copies, it is believed, would amount to about six thousand dollars, which in justice, however, ought to be paid by the General Government. The original Census Abstracts and Reports form an exceedingly interesting portion

of the history of the State, and in my judgment no disposition should be made of them which would endanger their preservation.

The whole subject is respectfully commended to your early and careful considerations.

(Signed) JOHN BIGLER.

(See appendix, No. 26.)

On motion of Mr. Hubbs, the message and accompanying communication were referred to the Committee on Federal Relations.

Mr. Sprague presented the account of James T. Lowry, M. D., for medical services to the emigrants on the road from Black Rock Springs, (near Humboldt river) to Yreka city, and moved its reference to the Committee on Claims; which was agreed to.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to regulate the mode of petitioning the Legislature in certain cases;" which was read the first time, and ordered printed under the rule.

On motion of Mr. Hubbs, Assembly bill for "An Act to provide for the contingent expenses of the Supreme Court and State Officers," was taken from the table.

The amendments reported by the Committee on Finance were concurred in, and

On motion of Mr. Lott, the amendments were ordered engrossed for a third reading.

A bill for "An Act to prevent extortion under color of office, and to enforce official duty," was read a third time and passed.

Mr. Sprague presented the petition of residents of Shasta, in Shasta county, praying the passage of a law prohibiting, under suitable penalties, all public auctions, exhibitions and amusements on the first day of the week, and moved its reference to the Select Committee on Vice and Immorality.

The petition was read and so referred.

On motion of Mr. Ralston, it was

Resolved,, That the special order of the day be postponed till to-morrow, at one o'clock.

A message was received, informing the Senate, that the Assembly passed on the 19th inst., "An Act to amend the ninth section of an Act concerning the Judges of the Plains and defining their duties," passed April 25th, 1851;

And "An Act to amend the third section of an Act to regulate fees in office," passed May 1st, 1851;

And "An Act for the relief of E. J. Osborn;"

And that the Governor approved on the same day "An Act to authorize the funding of the debt of Tuolumne county, and to provide for the payment of the same."

Assembly bill for an Act to amend the ninth section of "An Act concerning the Judges of the Plains and defining their duties;" was read twice, and

On motion of Mr. Ralston, referred to the Committee on Missions and Mission Lands.

Assembly bill for an Act to amend the third section of an Act to regulate fees of office," passed May 1st, 1851, was read twice, and referred to the Committee on Finance, on motion of Mr. Ralston.

Assembly bill for "An Act for the relief of E. J. Osborn," was read twice, when

Mr. Hubbs moved its reference to the Committee on Indian Affairs.

Mr. Sprague moved as an amendment, to refer it to the Committee on Claims.

Mr. Lott moved as an amendment to the amendment, to refer to the Committee on Military Affairs.

The question was first taken on Mr. Lott's amendment to the amendment; and it was agreed to.

On motion of Mr. Foster, Mr. Roach was granted three days' leave of absence.

Mr. Sprague, on leave, introduced a Joint Resolution "on the subject of the distribution by Congress of the maps and charts by Capt. Cadwallader Ringgold;" which was read a first and second time, the rules suspended, it was considered engrossed, read a third time and passed.

Mr. Hubbs, on leave, introduced a Joint Resolution "in relation to the War Debt;" which was read twice, when

Mr. Sprague moved its reference to the Committee on Finance, with instructions so to amend it, that the information shall be reported by the Board of Examiners to the Senate; which was agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, amendments to "An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court."

The report was adopted; the bill, as amended, read a third time and passed.

On motion of Mr. Ralston, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, February 24, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Hubbs, Chairman of the Finance Committee, to whom was referred Joint Resolution in relation to the War Debt," with instructions so to amend the same as to require the statement of the Board of Examiners to be presented to the Legislature, reported the same back so amended.

The report, on motion of Mr. Sprague, was concurred in, and the Joint Resolution, as amended, read a third time and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, Senate Joint Resolution on the subject of the distribution by Congress of the maps and charts of Capt. Cadwallader Ringgold.

Report adopted.

Mr. Lott, from the Committee on Conference, on the disagreeing of the two Houses in reference to the organization of a joint select committee of the two Houses on the subject of apportioning the Senatorial and Assembly districts of the State, reported as the judgment of the committee, that the Joint Select Committee should consist of six members from each House.

The report was concurred in; and the Chair announced that he had appointed Mr. Walton as the additional member to the Committee on the part of the Senate.

The President announced that he had this day signed " An Act to amend an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano," passed May 3, 1852.

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval, " An Act to amend an Act to authorize William Moody and Morgan Hart to build a wharf in the county of Solano," passed May 3, 1852.

Report adopted.

Mr. Hubbs, agreeably to notice, introduced a bill for " An Act in relation to the revenue for the fiscal year one thousand eight hundred and fifty-three–four."

Which was read twice, and referred to the Committee on Finance.

Mr. Hager, on leave, introduced a bill for " An Act to confer Jurisdiction in certain Criminal Cases upon the Court of Sessions of the county of San Francisco."

Which was read twice, and referred to the Judiciary Committee.

Mr. Walton gave notice that on to-morrow, he would introduce " An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges."

Mr. Wombough, agreeably to notice, introduced a bill for " An Act to

provide for the compensation to owners of private property appropriated to the use of corporations."

Which was read the first time, and ordered printed under the rule.

Mr. Foster, agreeably to notice, introduced a bill for "An Act to fund the debt of the county of Los Angeles, and to provide for the payment thereof."

Which was read twice, and referred to the Committee on Finance.

On motion of Mr. Walton, the votes on the passage and third reading of Assembly bill for "An Act to provide for the Contingent Expenses of the offices of the Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court," were reconsidered.

Mr. Walton moved a reconsideration of the vote on the adoption of the amendments, and that the bill be referred to a select committee of three; which was agreed to.

And the Chair announced as the Committee, Messrs. Walton, Sprague, and Hager.

Mr. Lyons in the chair.

Mr. Estill introduced the following resolution:

Resolved, That the Chairman of the Committee on Public Lands be authorized to invite Joseph Walker, Esq., to visit the Capital at Benicia at his earliest convenience, in order that his valuable testimony may be obtained concerning the mountain passes of the Sierra Nevada, and of the Great Basin beyond, and its adaptation to railroad purposes.

The proviso to the resolution, that the Atlantic and Pacific Railroad should be constructed by the General Government, was, on motion of Mr. Lind, struck out, and the resolution adopted.

Mr. Smith moved that the special order of the day be taken up; which was agreed to.

Mr. Coffroth, on leave being granted, presented the following communication:

SENATE CHAMBER,
Benicia, February 21, 1853.

To the Hon. Samuel Purdy,
President of the Senate:

SIR: Having been called to the discharge of other duties inconsistent with those pertaining to my present position, I hereby tender my resignation of the seat at present occupied by me from the Twenty-second Senatorial District of this State on the floor of this House; the same to take effect from and after this day.

I remain, sir, respectfully, your obt. servant,

JAMES W. DENVER.

The resignation, on motion of Mr. Coffroth, was accepted.

The Senate then went into Committee of the Whole, on motion of Mr. Lind, Mr. Coffroth in the chair, on the bill for "An Act recommending to

the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State," and having considered the same for some time,

Mr. Hubbs moved that the Committee rise, report progress, and ask leave to sit again.

Which was granted.

On motion of Mr. Hubbs, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, February 25, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Coffroth presented the memorials of residents of Springfield and residents of Shaw's Flat, in Tuolumne county, praying the Legislature to pass a law prohibiting, under suitable penalties, all public auctions, exhibitions and amusements on the first day of the week, and moved their reference to the Committee on Vice and Immorality; which was agreed to.

Mr. Gruwell presented the memorial of citizens of Sonora, praying the passage of a similar law, and moved its reference to the same committee; which was agreed to.

On motion of Mr. Keene, the title of the committee was changed so as to read, "Committee on Public Vice and Immorality."

Mr. Hubbs, chairman of the Finance Committee, reported back "An Act in relation to the Revenue for the fiscal year 1853–4," and recommended its passage.

The report was accepted.

Mr. Sprague moved to amend the bill.

Mr. Roach moved to lay it upon the table; which was agreed to.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, "Joint Resolution in relation to the War Debt."

Report adopted.

Mr. Crabb, from the Judiciary Committee, reported back, without amend-

ment, a bill for "An Act granting to Sheriffs further time for final settlement," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act for the relief of the steamer S. B. Wheeler."

Report adopted.

Mr. Smith, from the Judiciary Committee, reported back with amendments a bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers," and recommended its passage.

The report was accepted.

On motion of Mr. Smith, the amendments were ordered to be engrossed.

The bill for "An Act granting to Sheriffs further time for final settlement," was taken under consideration.

Mr. Crabb moved that the bill be considered engrossed and read a third time; on which Mr. Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Lind,
Crabb,	Lott,
Coffroth,	Ralston,
De la Guerra,	Roach,
Estill,	Smith,
Foster,	Snyder,
Gruwell,	Sprague,
Hager,	Wade,
Hudspeth,	Walkup,
Keene,	Walton—22.

NAYS.

Messrs. Hubbs,	Mr. Wombough—3.
Lyons,	

So the motion was agreed to.

The bill was then read a third time and passed.

On motion of Mr. Walton, the select committee, to whom was referred Assembly bill to provide for the contingent expenses of the Supreme Court and State officers, were allowed further time to report.

A message was received from the Governor, transmitting a copy of the deed executed by the Mayor of the city of Benicia to the State of California.

The message was read, when Mr. Hubbs moved its reference to the Committee on the Judiciary; which was agreed to. (See Appendix No. 27.)

On motion of Mr. Coffroth, the Secretary of the Senate was instructed to inform the Governor that on the 21st inst. the Hon. J. W. Denver resigned

his seat as Senator of the Twenty-second Senatorial District, and that the same is vacant.

On motion of Mr. Baird, the President of the Senate was requested to furnish the names of the Committee Clerks, Pages, and Porters, to the Treasurer of State, so as to enable them to receive their quota of the $300 appropriation.

On motion of Mr. Hager, it was

Resolved, That the Attorney General be requested to inform the Senate to what extent, under the Constitution, the Senate and Assembly may legislate by Joint Resolution; and whether, in his opinion, a Joint Resolution requires the approval of the Governor.

Mr. Baird presented the account of W. F. McLean against the State, and moved its reference to the Committee on Claims; which was agreed to.

Mr. Kurtz, on leave, introduced a "Joint Resolution for the division of the State of California into two or more States;" which was read the first time, when Mr. Crabb moved to lay the same upon the table.

On which Messrs. Sprague, Lind and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Ralston,
Crabb,	Roach,
Estill,	Smith,
Gruwell.	Wade,
Hudspeth,	Walkup,
Keene,	Wombough—15.
Lyons,	

NAYS.

Messrs. Coffroth,	Messrs. Lind,
De la Guerra,	Lott,
Foster,	Snyder,
Hager,	Sprague,
Hubbs,	Walton—11.
Kurtz,	

So the resolution was laid upon the table.

Mr. Walton, agreeably to notice, introduced a bill for "An Act to amend an Act to provide for the protection of foreigners, and to define their liabilities and privileges;" which was read the first time, and ordered printed under the rule.

Mr. McKibben from the Committee on Claims, reported back, with amendments, a bill for "An Act authorizing the appointment of Book-

keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer of State, and to provide for their payment."

The report was accepted, and the amendments concurred in.

The bill was then read a third time and passed.

Mr. Hager moved that the amendments to the Constitution, offered by Mr. Sprague on yesterday, be printed; on which Messrs. Sprague, Coffroth and Lott demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Sprague,
Hager,	Walton—7.
Kurtz,	

NAYS.

Messrs. Baird,	Messrs. Keene,
Catlin,	Ralston,
Crabb,	Roach,
Estill,	Smith,
Foster,	Snyder,
Gruwell,	Wade,
Hubbs,	Walkup,
Hudspeth,	Wombough—16.

So the motion to print was lost.

Mr. Snyder submitted the following resolution:

Resolved, That a select committee of six be appointed to draft amendments to the Constitution, and report to the Senate on Wednesday next.

On the adoption of which, Messrs. Hubbs, McKibben and Coffroth demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Foster,	Ralston,
Hager,	Snyder,
Hubbs,	Sprague,
Kurtz,	President—13.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Keene,
Catlin,	McKibben,

Messrs.	Crabb,	Messrs.	Roach,
	Estill,		Smith,
	Gruwell,		Wade,
	Hudspeth,		Walkup—12.

So the resolution was adopted.

The Chair announced as the committee, Messrs. Snyder, Crabb, Coffroth, Ralston, Baird and Hubbs.

A message was received, informing the Senate that the Assembly yesterday refused to concur in the report of the Committee of Conference on the disagreeing vote of the two Houses, "on the organization of a joint committee on the apportionment of the Senatorial and Assembly Districts;"

And passed Assembly bill for "An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county;" and that the Governor approved, on the same day, "An Act amendatory of an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the county of Solano;"

And that the Assembly passed this day Senate bill for "An Act to authorize a transfer of causes from the Superior Court of San Francisco."

Assembly bill for "An Act to submit to the legal and qualified voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county," was read a first time; and objections being made to a second reading, it was laid over under the rule.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee this day presented to the Governor for his approval, "An Act for the relief of the steamer S. B. Wheeler."

Report adopted.

The Senate then went into Committee of the Whole, (Mr. Coffroth in the chair,) on the bill for "An Act recommending the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State;" and having considered the same and made sundry amendments thereto,

On motion of Mr. Crabb, the committee rose and reported the bill back to the Senate.

On motion of Mr. Keene, the amendments were concurred in.

Mr. Keene moved that the bill be considered engrossed and read a third time; on which Messrs. Sprague, Hubbs and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs.	Baird,	Messrs.	Lyons,
	Catlin,		McKibben,
	Crabb,		Ralston,
	Estill,		Roach,
	Gruwell,		Smith,
	Hudspeth,		Wade—13.
	Keene,		

NAYS.

Messrs. Coffroth,	Messrs. Kurtz,
De la Guerra,	Lott,
Hager,	Snyder,
Hubbs,	Sprague—8.

So the motion was agreed to.

President in the chair.

Mr. Coffroth moved a call of the Senate, which was sustained, and Messrs. Foster and Walkup were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Walkup appeared; and,

On motion of Mr. Lott, was admitted within the bar of the Senate.

Mr. McKibben moved a suspension of the call.

After some further delay,

On motion of Mr. Keene, further proceedings under the call were suspended.

Mr. Keene moved that the vote by which the Convention bill was ordered to a third reading, be reconsidered.

On which, Messrs. Hubbs, Sprague and Lind, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	McKibben,
Crabb,	Ralston,
Estill,	Roach,
Foster,	Smith,
Gruwell,	Wade,
Hager,	Walkup,
Hudspeth,	Walton,
Keene,	Wombough—18.

NAYS.

Messrs. Coffroth,	Messrs. Lind,
De la Guerra,	Lott,
Hubbs,	Snyder,
Kurtz,	Sprague—8.

So the vote was re-considered.

Mr. Keene offered the following resolution:

Resolved, That the bill to provide for the calling a Convention to revise the Constitution be referred to the select committee on amending the Con-

stitution, and that they be instructed to consider the same in connection with said amendments, and report thereon on Friday, 11th day of March next.

The resolution was adopted.

Mr. Lyons gave notice that he would, on to-morrow, introduce a bill to be entitled "An Act to authorize the formation of corporations for the construction of turnpike or plank roads.

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, February 26, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Ralston in the chair.

Mr. Walton presented the memorial of citizens of San Francisco, proposing to relinquish to the State, one-third of their rights to certain property in San Francisco, on condition that the State confirm to them, in fee, the remaining two-thirds.

Which was read, and referred to the Committee on Commerce and Navigation, to which was referred the examination of the Extension of the Water Front of San Francisco.

The letter of Mr. F. Argenti, on the same subject, was also referred to the same committee. (See Appendix 28.)

Mr. Baird presented Joint Resolution of the City Council of San Francisco, protesting against the Extension of the Water Front of said city.

Which was read and referred to the same committee. (See Appendix 29.)

Mr. Snyder presented the remonstrance of citizens of San Francisco against the adoption of any proposition to extend the present limits of said city, beyond the Water Line established by an Act passed March 26th, 1851.

Which was read and referred to the same committee. (See Appendix 30.)

Mr. Hager presented a similar remonstrance from certain citizens of San Francisco, and moved its reference to the same committee.

Which was agreed to.

On motion of Mr. Snyder, it was

Resolved, That the committee, to whom was referred the subject of the Extension of the Water Front of the city of San Francisco, be required to report on Thursday the 3d day of March, and that it be made the order of that day, at 12 o'clock M.

Mr. Hubbs presented a memorial from citizens of Sonora, Tuolumne county, praying the passage of a law prohibiting auctions, exhibitions and amusements on the first day of the week, and moved its reference to the Committee on Public Vice and Immorality.

Which was agreed to.

Mr. Snyder presented the petition of William Webster of San Francisco, for relief, and moved its reference to the Committee on Claims.

Which was agreed to. (See Appendix 31.)

Mr. Kurtz presented the papers in relation to the organization of the San Diego volunteers to suppress Indian Hostilities in that county, in 1851, and moved their reference to the Committee on Indian Affairs.

Which was agreed to. (See Appendix 32.)

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to authorize the transfer of causes from the Superior Court of San Francisco."

Report adopted.

Mr. Sprague, Chairman of the Committee on Indian Affairs, to which was referred the special message of the Governor, and accompanying papers, in relation to the services and claims of Capt. B. Wright's and Capt. Charles McDermitt's Companies of Mounted Rangers, submitted a report with an accompanying bill.

The report was read and accepted. (See Appendix 33.)

Mr. Coffroth, Chairman of the Committee on Federal Relations, to which was referred the Governor's message, and accompanying documents, in reference to the Census Returns, reported the same back with a Joint Resolution, "authorizing the Governor to transmit the late Census Returns of California, to the census office in Washington city, and for the return thereof."

The report was accepted.

The Joint Resolution was read the first time.

Mr. Coffroth moved that the rules be suspended, and the resolution read a second time.

Which was agreed to, and the resolution read the second time,

When Mr. Lott moved its re-commitment to the same committee.

Which was agreed to.

Mr. Roach, Chairman of the Committee on Commerce and Navigation,

reported back "An Act to repeal an Act to provide for the Inspection of Flour," and recommended its passage.

The report was accepted, and

On motion of Mr. Coffroth, the bill was made the special order of the day for Wednesday next.

Mr. Smith, from the Committee on Engrossment, reported as correctly engrossed, the amendments to Senate bill for "An Act revising and amending the Act concerning Courts of Justice of this State and Judicial officers.

The report was adopted, and

On motion of Mr. Sprague, the bill was laid on the table, and made the special order for Tuesday next.

On motion of Mr. Wade, Mr. Crabb was granted leave of absence until Monday evening next.

Mr. Wombough presented the accounts of M. C. Dougherty, and moved their reference to the Committee on Claims.

Which was agreed to.

On motion of Mr. Coffroth, it was

Resolved, That the use of the Senate Chamber be extended to the Rev. Mr. Hill for the performance of religious services on to-morrow.

Mr. Wombough presented the petition of citizens of Solano and Yolo counties, praying the Legislature to order a State road from Benicia to Washington, opposite Sacramento city.

Which was read.

Mr. Wombough moved its reference to the delegations from Sacramento, Yolo and Solano.

Mr. Lott moved to refer it to the Committee on Roads and Highways.

Mr. Lind moved as an amendment to Mr. Wombough's motion, to add the Senators from Shasta and San Diego.

Lost.

The question was then taken on Mr. Wombough's motion, and

It was agreed to.

Mr. Sprague, on leave, proposed certain amendments to the Constitution of the State of California, and moved their reference to the Select Committee on the same subject.

Agreed to.

A message was received, informing the Senate that the Assembly passed, on yesterday, a bill for "An Act to abolish the Superior Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Court."

And Senate Joint Resolution "on the subject of the distribution by Congress of the maps and charts of Capt. Cadwallader Ringgold."

And Senate Joint Resolution "in relation to the War Debt;" and

"An Act for the relief of Jacob D. Hoppe."

And appointed a committee of free conference, consisting of Messrs. Heydenfeldt, Redding and Hoff upon the disagreeing votes of the two houses on the organization of a Joint Committee on the apportionment of the Senatorial and Assembly districts.

Assembly bill for "An Act to abolish the Superior Court of the city of

San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said Court," was read a first time.

Mr. Keene moved a suspension of the rules, and that the bill be read a second time.

Which was agreed to, and the bill read a second time.

On motion of Mr. Smith, the rules were further suspended, and the bill read a third time and passed.

Assembly bill for "An Act for the relief of Jacob D. Hoppe," was read a first time, and laid over under the rule.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act authorizing the appointment of Book-keeper to the Comptroller of State, and temporary Clerk in the department of Treasurer of State, and to provide for their payment;" and

"An Act granting to Sheriffs further time for final settlement."

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had, this day, presented to the Governor for his approval, "An Act to authorize the transfer of causes from the Superior Court of San Francisco."

Report adopted.

Mr. Lott moved that a committee of free conference, to consist of three members, be appointed to confer with a similar committee of the Assembly, in reference to the organization of a Joint Committee on the apportionment of the Senatorial and Assembly districts of this State.

Which was agreed to, and

The Chair announced as the committee, Messrs. Lott, Foster and Walton.

Mr. Lott moved a call of the Senate.

Lost.

On motion of Mr. Lott, the Committee on Commerce and Navigation were instructed to report back to the Senate immediately, the "Act relative to Port Wardens in San Francisco and Sacramento, and other Ports of California."

Mr. Roach, Chairman of the Committee, then reported the bill back with amendments.

Which were concurred in.

Mr. Roach moved to amend the tenth section.

Amendment ruled out of order.

Mr. Walton moved to re-commit the bill, with instructions, to the Committee on Commerce and Navigation.

Mr. Hubbs moved a call of the Senate, which was sustained.

And Messrs. De la Guerra, Foster, Gruwell, Hudspeth, Keene, Kurtz, Lind, McKibben, Smith, Snyder and Sprague, were absent.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

Mr. Foster appeared, and on motion of Mr. Walton was admitted.

Mr. Smith was also admitted on motion of Mr. Lott.

On motion of Mr. Coffroth, further proceedings under the call were suspended.

The question then recurring on the motion of Mr. Walton, to re-commit the bill with instructions.

The ayes and nays were demanded by Messrs. Lyons, Coffroth and Hubbs, with the following result:

AYES.

Messrs. Baird,	Messrs. Roach,
Catlin,	Snyder,
Hager,	Wade,
Ralston,	Walton—8.

NAYS.

Messrs. Coffroth,	Messrs. Lott,
Estill,	Lyons,
Hubbs,	Smith,
Keene,	Walkup,
Lind,	Wombough—10.

So the motion to re-commit was lost.

The bill was then read a third time, and on the question, "Shall the bill be now passed?" The ayes and nays were demanded by Messrs. Wombough, Wade and Hubbs, and the vote stood as follows:

AYES.

Messrs. Coffroth,	Messrs. Smith,
Estill,	Sprague,
Hubbs,	Walkup,
Lind,	Walton,
Lott,	Wombough—11.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Ralston,
De la Guerra,	Roach,
Foster,	Snyder,
Hager,	Wade—11.
Hudspeth	

Before the Chair announced the result of the vote, Mr. Coffroth moved that the Lieutenant Governor be sent for, and requested to give the casting vote.

The Chair ruled the motion out of order, as there was no process by which it could be done.

Hereupon Mr. Wombough asked the Chair if he could change his vote, and the Chair ruled that he could.

Messrs. Coffroth and Smith also changed their votes to the negative, when the Chair announced the result of the vote as follows:

AYES.

Messrs. Estill,	Messrs. Lyons,
Hubbs,	Sprague,
Lind,	Walkup,
Lott,	Walton—8.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Ralston,
Coffroth,	Roach,
De la Guerra,	Smith,
Foster,	Snyder,
Hager,	Wade,
Hudspeth,	Wombough—14.

So the Senate refused to pass the bill.

Mr. Roach gave notice that he would, on Monday, move a re-consideration of the vote just taken.

Messrs. Coffroth and Wombough gave similar notice.

Mr. Roach gave notice that he would introduce, on Monday next, a bill to define the salary of the County Judge of Monterey county.

Mr. Baird moved to adjourn, on which Messrs. Coffroth, Wombough and Lyons, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Roach,
Catlin,	Smith,
Foster,	Snyder,
Hager,	Sprague,
Hudspeth,	Wade,
Lind,	Walton—13.
Ralston,	

NAYS.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Estill,	Walkup,

Messrs. Hubbs,
Kurtz,

Mr. Wombough—9.

So the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary

IN SENATE.

MONDAY, February 28, 1853.

Senate met pursuant to adjournment, and was called to order by the Secretary.

Prayer by Rev. Mr. Benton.

On motion of Mr. Estill, Mr. Coffroth took the chair.

The Journal of Saturday was read and approved.

Mr. Hubbs presented the petition of citizens of Sonora, Tuolumne county, praying the passage of a law prohibiting, under suitable penalties, public auctions, exhibitions and amusements on the first day of the week, and moved its reference to the Committee on Public Vice and Immorality. Agreed to.

Mr. Lind, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "Joint Resolution on the subject of the distribution by Congress of the maps and charts of Capt. Cadwallader Ringgold, and "An Act granting to Sheriffs further time for final settlement."

Report adopted.

On motion of Mr. Ralston, the Committee on Elections were instructed to report a bill amending the law in relation to elections in such manner as to authorize the people to elect a County Treasurer, and all other officers made elective by the Constitution, and to provide for special elections to fill all vacancies that may occur in such offices.

Mr. Roach, pursuant to notice, moved a re-consideration of the vote rejecting the bill for "An Act in relation to Port Wardens in San Francisco, Sacramento, and other Ports of California;" which was agreed to, and the vote re-considered.

On motion of Mr. Lind, the bill was laid upon the table.

Mr. Lyons moved a reconsideration of the vote upon the passage of Assembly bill for "An Act to abolish the Superior Court of the city of

San Francisco; to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of said Court."

On which Messrs. Estill, Hubbs and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Estill,	Ralston,
Gruwell,	Roach,
Hubbs,	Walkup,
Kurtz,	Walton,
Lind,	Wombough—14.

NAYS.

Mr. Smith—1.

So the vote was reconsidered.

On motion of Mr. Lyons, the vote on the third reading of the bill was also reconsidered, and the bill referred to the delegation from San Francisco.

On motion of Mr. Ralston, Mr. Catlin was granted one day's leave of absence.

Mr. Estill moved that Mr. Sprague be granted twelve days' leave of absence. Agreed to.

On motion of Mr. Smith, Mr. Wade was granted one day's leave of absence.

On motion of Mr. Lott, Messrs. Hager and Snyder were granted one day's leave of absence.

Mr. Roach moved that Messrs. Baird and Foster be granted one day's leave of absence.

Mr. Wombough moved, as a substitute, that one day's leave of absence be granted to all the absentees; which was agreed to.

Mr. Wombough introduced the following resolution:

Whereas, Frequent applications have been made to various persons by members of the Historical Society of this State for incidents connected with the early history of California, therefore—

Resolved, That the Secretary of State be and is hereby authorized and required to use his best endeavors to procure from Col. J. C. Fremont, (or wherever it may be found,) the original Declaration of Independence of the province of Upper California, during the civil Revolution of 1846, known as the "Bear Flag War," with all possible information relative thereto. Also, the original flag around which that gallant band of daring spirits rallied, and being in advance of the General Government, planted the flag of Republican liberty on the shores of the Pacific, south of 42 north latitude.

The resolution was adopted.

Mr. Lyons, agreeably to notice, introduced a bill for "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads;" which was read the first time and ordered printed under the rule.

Mr. Roach, agreeably to notice, introduced a bill for "An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed April 22, 1850.

The bill was read a first and second time, the rules suspended, it was considered engrossed, read a third time and passed.

A message was received, informing the Senate that the Assembly passed, on the 26th inst., a bill for "An Act to authorize the State Treasurer to issue a duplicate School Land Warrant."

"An Act to authorize County Recorders to administer oaths."

And passed Senate bill for "An Act to prevent the use of false Stamps and Labels."

Also, Senate bill for "An Act to amend an Act concerning Crimes and Punishments," passed April 16, 1850.

Also, Senate bill for "An Act to prevent the establishment of Pest Houses in any town or city in this State," with amendments as therein shown.

Also, Senate bill for "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county," with an amendment as therein shown.

Assembly bill for "An Act to authorize County Recorders to administer Oaths," was read a first and second time, and referred, on motion of Mr. Lott, to the Committee on the Judiciary.

Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate School Land Warrant," was read the first and second time, when Mr. Smith moved its reference to the Committee on Finance, which was agreed to.

On motion of Mr. Walton, the Committee were instructed, also, to inquire into the case of Giles E. Strong.

Senate bill for "An Act to prevent the establishment of Pest Houses in any town or city in this State," was, on motion of Mr. Smith, laid upon the table.

Mr. Walton moved that the Senate concur in Assembly amendment to Senate bill for "An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

On which Messrs. Hubbs, Gruwell and Wombough demanded the ayes and nays with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
De la Guerra,	Roach,
Estill,	Smith,
Gruwell,	Walton,
Hubbs,	Wombough—11.
Lind,	

NAYS.

Messrs. Kurtz, Messrs. Lyons,
Lott, Walkup—4.

So the Senate concurred in the amendment of the Assembly.

Mr. Smith moved an adjournment, on which Messrs. Lyons, Hubbs and Wombough demanded the ayes and nays with the following result:

AYES.

Messrs. Coffroth, Messrs. Roach,
De la Guerra, Smith,
Estill, Walton—7.
Gruwell,

NAYS.

Messrs. Hubbs, Messrs. Ralston,
Kurtz Walkup,
Lott, Wombough—7.
Lyons,

So the motion to adjourn was lost.

Mr. Wombough moved a call of the Senate, which was sustained, and Messrs. Gruwell, Smith and Walton were absent.

The absentees appeared, when on motion of Mr. Lyons, further proceedings under the call were dispensed with.

Mr. Lyons gave notice that he would, at an early day, introduce a bill to provide for the election of State Printer.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, March 1, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Coffroth presented a memorial from citizens of Columbia, Tuolumne county, praying the Legislature to pass a law prohibiting, under suitable penalties, public auctions, exhibitions and amusements on the first day of the week, and moved its reference to the Committee on Public Vice and Immorality.

Which was agreed to.

Mr. Smith presented a similar memorial from citizens of Sonora, Tuolumne county, and moved its reference to the same committee.

Which was agreed to.

Mr. Lott, chairman of the Committee on Claims, to whom had been referred the petition of J. D. Monnett, M. D., praying for relief for services rendered sick immigrants at "Carson River Station," by order of the agents of the Relief Train, reported it back, and recommended the passage of a bill for "An Act for the relief of J. D. Monnett, M. D., for services rendered sick immigrants."

Which was read the first time; when,

On motion of Mr. Wombough, the rules were suspended, and the bill read a second time and laid upon the table.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "Joint Resolution in relation to the war debt."

Report adopted.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed April 22d, 1850.

Report adopted.

Mr. Roach, chairman of the Committee on Commerce and Navigation, reported back "An Act to repeal an Act to provide for the appointment of a Guager for the Port of San Francisco," passed 3d May, 1852, with a statement that a majority of said committee recommended its passage.

On motion of Mr. Roach, the bill was made the special order of the day for to-morrow.

On motion of Mr. Wade, Mr. Crabb was granted leave of absence for one day.

Mr. Estill presented the petition of the Trustees of the "Benicia Female Seminary," asking an appropriation to advance its general usefulness.

Which was read.

Mr. Estill moved its reference to a select committee of five, and that one hundred and fifty copies be printed.

Which was agreed to.

The Chair announced as the committee, Messrs. Estill, Keene, McKibben, Ralston and Foster.

A message was received, informing the Senate that the Assembly passed, yesterday, a "Joint Resolution in regard to the New York Industrial Exhibition."

The resolution was read the first and second time, and referred, on motion of Mr. Hubbs, to the Committee on Federal Relations.

Assembly bill for "An Act for the relief of J. D. Hoppe," was read the second time, and laid over under the rule.

Senate bill for "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of Volunteer Rangers, under Captain B. Wright and Charles McDermit, in protecting the overland emigration on the northeastern frontier," was read a second time, and referred, on motion of Mr. Hubbs, to the Committee on Indian Affairs.

Mr. Hager, on leave, introduced a bill for "An Act providing compensation to the Reporter of the Decisions of the Supreme Court, and the publication of the second volume of Reports, and the disposal thereof."

Which was read the first time, and ordered printed under the rule.

Mr. Coffroth gave notice that he would, on to-morrow or some subsequent day, introduce a bill to prevent officers from leaving the State without special leave.

Mr. Kurtz offered the following resolution:

Resolved, That the chairman of the Committee on Finance, be and he is hereby requested to correspond immediately with James M. Goggin, Mail Agent for the State of California, and ascertain, if possible, the cause of the non-transmission of papers and public documents from the Post Office at Benicia.

Mr. Lott moved to amend by requiring the chairman of the Finance Committee to call on the Postmaster of Benicia, and ascertain the facts.

Agreed to.

On motion of Mr. Kurtz, the resolution was further amended by inserting the words, "or Col. Moore, Postmaster of San Francisco," and adopted.

Mr. Catlin gave notice that he would, at an early day, introduce a bill in relation to personal mortgages in certain cases.

Mr. Lyons gave notice that he would introduce, at an early day, a bill for the relief of William Bullington, late Census Agent of Nevada county.

On motion of Mr. Smith, the Senate went into Committee of the Whole, Mr. Lind in the chair, on the bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers."

And having passed some time in consideration of the same,

On motion of Mr. Wombough, the committee rose and reported the bill back to the Senate, and asked leave to sit again.

Which was granted.

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, February 28, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication received on the 26th inst., from the Hon. W. S. Pierce, Comptroller of State.

Accompanying the annual message, at the commencement of the session, copies of all papers, then on file in this department, relating to the State Prison, were transmitted for the examination of the Legislature.

In this connexion, however, it is deemed proper to state, that the contract as executed by the Prison Commissioners, authorizes the present Legislature, if so disposed, by Act or Joint Resolution, to dispense with a very expensive portion of the work.

(Signed) JOHN BIGLER.

The message was read, when Mr. Lyons moved a call of the Senate.

Which was not sustained.

Mr. Hager moved to adjourn.

On which Messrs. Hager, Hubbs and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Lind,
Foster,	Smith—7.
Gruwell,	

NAYS.

Messrs. Coffroth,	Messrs. Wade,
Hubbs,	Walkup,
Lott,	Walton,
Lyons,	Wombough—9.
Ralston,	

So the Senate refused to adjourn.

On motion of Mr. Coffroth, the communication accompanying the Governor's message was then read. (See Appendix No. 34.)

Mr. Hubbs moved its reference to the committee on the examination of the facts connected with the passage of the State Prison Bill.

Mr. Wombough moved to lay it upon the table.

Which was agreed to.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his approval, "Joint Resolution in relation to the War Debt;"

"Joint Resolution in reference to the distribution by Congress of the Maps and Charts of Capt. Cadwallader Ringgold;" and

"An Act granting to Sheriffs further time for final settlement."

Report adopted.

Mr. Hager moved to adjourn.

On which Messrs. Wombough, Coffroth and Walton demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird, Catlin, Mr. Hager—3.

NAYS.

Messrs. Coffroth,	Messrs. Ralston,
Foster,	Smith,
Hubbs,	Wade,
Lind,	Walkup,
Lott,	Walton,
Lyons,	Wombough—12.

Mr. Lind moved a call of the Senate, which was sustained; and Messrs. De la Guerra, Estill, Gruwell, Hudspeth, Keene, Kurtz, McKibben, Roach and Snyder were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Wade moved a suspension of the call. Lost.

Some time having elapsed,

On motion of Mr. Hubbs, further proceedings under the call were dispensed with.

Mr. Ralston moved the adoption of the following resolution:

Resolved, That the bill in relation to Port Wardens be made the special order for eleven o'clock, to-morrow; and that the vote shall be taken on the bill without debate.

Mr. Coffroth moved to lay the resolution on the table.

Which was agreed to.

A message was received from the Governor, informing the Senate that he had this day approved "An Act granting to Sheriffs further time for final settlement;" also,

"Joint Resolution in reference to the distribution by Congress of the Maps and Charts of Capt. Cadwallader Ringgold;" and

"Joint Resolution in relation to the War Debt."

Mr. Coffroth moved that the Senate proceed to the consideration of the bill for "An Act in relation to Port Wardens in San Francisco, Sacramento, and other Ports of California."

Which was agreed to.

After some discussion, Mr. Coffroth moved the previous question.

Which was sustained.

The question then being "Shall the main question be now put?" it was decided in the affirmative by the following vote—the ayes and nays being demanded by Messrs. Ralston, Lind and Coffroth:

AYES.

Messrs. Coffroth, Estill, Hubbs, Keene, Lind, Lott, Lyons, Smith, Walkup, Walton, Wombough—11.

NAYS.

Messrs. Baird, De la Guerra, Foster, Gruwell, Hager, Kurtz, McKibben, Ralston, Roach, Wade—10.

The main question was then put, "Shall the bill be now passed?" on which Messrs. Estill, Keene and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, Estill, Hubbs, Keene, Lind, Lott, Lyons, Smith, Walkup, Walton, Wombough, President—12.

NAYS.

Messrs. Baird, De la Guerra, Foster, Gruwell, Hager, Kurtz, McKibben, Ralston, Roach, Snyder, Wade—11.

So the bill was passed.

On motion of Mr. De la Guerra, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, March 2, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Lind presented the memorial of citizens of Springfield, Tuolumne county, praying the passage of a law for the better observance of the Sabbath, and moved its reference to the Committee on Public Vice and Immorality.

Which was agreed to.

Mr. Wade presented a similar memorial from residents at Sullivan's Dry Gulch, Tuolumne county, and moved its reference to the same committee.

Agreed to.

Mr. Snyder presented two remonstrances from citizens of San Francisco, against the repeal of the "Act to provide for the Inspection of Flour."

Which were read, and

On motion of Mr. Snyder, referred to the Committee on Commerce and Navigation.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "an Act to prevent the use of False Stamps and Labels."

Also, "An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

Also, "An Act to amend An Act concerning Crimes and Punishments, passed April 16th, 1850."

Report adopted.

Mr. Coffroth, chairman of the Committee on Federal Relations, reported back Assembly Joint Resolution in regard to the Industrial Exhibition in New York, and recommended its passage.

The report was adopted; the resolution read a third time and passed.

On motion of Mr. Keene, the title was so amended as to read, "Joint Resolution in regard to the World's Industrial Exhibition."

Mr. Walton, chairman of the select committee to which was referred "An Act to provide for the Contingent Expenses of the Supreme Court, and State Officers," reported the same back with an amendment, and recommended its passage.

The report was accepted, when

Mr. Coffroth moved to lay it upon the table. Lost.

Mr. Coffroth moved to amend the amendment, of the committee by striking out "one thousand," and inserting "five hundred." Lost.

On motion of Mr. Wade, the motion to lay on the table was reconsidered.

Mr. Coffroth moved that the whole matter be laid upon the table.

Which was agreed to.

Mr. Wade moved that Mr. Crabb be granted leave of absence for one week.

Which was agreed to.

On motion of Mr. Walton, the resolution authorizing the Chairmen of the Standing Committees to appoint Clerks, was rescinded.

A message was received informing the Senate that the Assembly passed, yesterday, "an Act to change the name of Henry Thomas Weatherwax."

The bill was read a first and second time, when

Mr. Lott moved its reference to the Committee on Federal Relations.

Which was not agreed to.

On motion of Mr. Hubbs, the rules were suspended, the bill was read a third time, and passed.

Senate bill for "An Act to authorize the formation of Corporations for the construction of Plank and Turnpike Roads," was read a second time, and

Referred, on motion of Mr. Wombough, to the Committee on Corporations.

Mr. Foster, from the Committee on Finance, reported back Senate bill for "An Act to Fund the Debt of Los Angeles County, and to provide for the payment thereof," with amendments, and recommended its passage.

The amendments were concurred in, and

On motion of Mr. Foster, the bill was considered engrossed, read a third time, and passed.

On motion of Mr. Smith, the bill for "an Act for the relief of J. D. Monnett, M. D., for services rendered sick Emigrants," was taken from the table.

Mr. Smith moved its reference to a select committee, to consist of Messrs. Keene and Lind.

Mr. Keene moved to lay the bill upon the table.

Which was agreed to.

Mr. Lind was granted leave to withdraw a bill for "An Act to prevent the use of False Stamps and Labels," for the purpose of correcting an error in the enrollment.

Mr. Catlin gave notice of his intention to introduce, at an early day, a bill to provide for the Recording of Homestead Exemption Claims.

On motion of Mr. Lott, the bill for an Act amendatory of, and supplementary to, the act entitled "an Act to regulate Proceedings in Civil cases, in the Courts of Justice of this State," was taken from the table, read a second time, and referred to the Judiciary Committee.

Mr. Wade moved to take from the table a bill for an Act to amend "An Act concerning Corporations."

Which was agreed to.

The bill was read a second time, and

Referred, on motion of Mr. Wade, to the Committee on Corporations.

On motion of Mr. Snyder, the Committee on Mines and Mining Interests was instructed to report to the Senate, on the 15th of March, the resolutions for the call of a Miners' Convention: and they were made the special order for that day.

On motion of Mr. Lott, the Committee on State Prison and Public Buildings was instructed to report back, on to-morrow, the bill for "An

Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract."

Mr. Coffroth moved that the bill for an Act to repeal "An Act to provide for the Inspection of Flour, approved May 3d, 1852," made the special order for to-day, be made the special order for Tuesday next, the 8th of March.

Which was agreed to.

On motion of Mr. Lott, the bill for an Act to repeal "An Act to provide for the appointment of a Gauger for the Port of San Francisco, passed May 3d, 1852," was also made the special order for Tuesday next.

On motion of Mr. Smith, the Senate went into Committee of the Whole (Mr. Hubbs in the chair) upon the bill for an Act revising and amending the "Act concerning the Courts of Justice of this State, and Judicial Officers;" and having considered the same for some time,

On motion of Mr. Estill, the committee rose, reported progress, and asked to sit again.

Which was granted.

A message was received informing the Senate that the Assembly this day passed

"An Act for the relief of James McKamy," and

An Act amendatory of an act entitled "An Act to Incorporate the City of Sacramento, passed 1851."

Assembly bill for "An Act for the relief of James McKamy," was read the first time, and laid over under the rule.

Assembly bill for an Act amendatory of an act entitled "An Act to Incorporate the City of Sacramento," was read a first and second time, and

On motion of Mr. Catlin, referred to the Sacramento Delegation.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had re-examined and corrected an inaccuracy discovered in an Act supplementary to "An Act concerning Crimes and Punishments, passed April 16th, 1850."

Report adopted.

Mr. Walton moved to take from the table an Act to amend "An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges"

Agreed to.

The bill was read a second time, and

Referred, on motion of Mr. Walton, to the Finance Committee.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, March 3, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lyons presented a memorial from citizens of Springfield, Tuolumne county, for the passage of a law for the better observance of the Sabbath; and moved its reference to the Committee on Public Vice and Immorality.

Agreed to.

Mr. Hager presented a remonstrance from practicing Attorneys, and other citizens of San Francisco, remonstrating against the abolition of the Superior Court of that city.

Which was read, and referred to the San Francisco delegation, on motion of Mr. Hager.

Mr. Hubbs, Chairman of the Finance Committee, reported back Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate School Land Warrant," with a substitute for the bill as follows: A bill for an Act to authorize the State Treasurer to issue five duplicate School Land Warrants;" and recommended the passage of the substitute.

The report was accepted, the substitute adopted, read a third time, and passed.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his approval, "An Act supplementary to an Act concerning Crimes and Punishments," passed April 16, 1850;

Also, "An Act concerning the Securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county;"

And "An Act to amend an Act concerning Crimes and Punishments," passed April 16, 1850.

Report adopted.

Mr. Hubbs, Chairman of the Committee on Finance, reported for the consideration of the Senate, a bill for "An Act to repeal an Act in relation to the city of San Francisco," passed May 1, 1851; and recommended its passage.

The bill was read a first and second time, and

On motion of Mr. Hager, referred to the Committee on Commerce and Navigation.

Mr. Ralston, from the Select Committee to which was referred a bill for "An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento," passed April, 1851, reported back a substitute for the same, and recommended its passage.

The substitute was adopted.

And on motion of Mr. Ralston, the rules were suspended, it was considered engrossed, read a third time, and passed.

Assembly bill for "An Act for the relief of James McKamy," was read the second time, and laid over under the rule.

On motion of Mr. Lott, the message of the Governor, appointing Hon. J. W. Denver, Secretary of State, vice Hon. W. Van Voorhies, resigned, was taken from the table.

Mr. Lott moved that the Senate do advise and consent to the appointment; which was agreed to by the following vote:

AYES.

Messrs. Baird, Catlin, Coffroth, Estill, Foster, Gruwell, Hager, Hubbs, Hudspeth, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Ralston, Roach, Snyder, Walkup, Walton, Wombough—21.

NAYS.—None.

Mr. Wombough gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill for "An Act regulating fees in office."

On motion of Mr. Hubbs, Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature," was taken from the table.

Mr. Lott moved to refer the bill to the Committee on Public Expenditures.

Agreed to.

Mr. Ralston, agreeably to notice, introduced a bill for an Act to provide for the loss of papers by the fire at Sacramento city on the 2d November, 1852.

Which was read the first and second time, and referred, on motion of Mr. Ralston, to the Judiciary Committee.

On motion of Mr. McKibben, the bill for "An Act to repeal an Act to provide for the Inspection of Flour," approved May 3d, 1852, was taken from the table.

Mr. McKibben moved its reference to the Committee on Commerce and Navigation.

Not agreed to.

Mr. Walton moved its reference to a select committee of three, with power to send for persons and papers.

Mr. Lyons called for a division of the question, and the question was first taken on the reference to the committee, and agreed to.

The question was then taken on the instructions, and they were also agreed to.

The Chair announced as the committee, Messrs. Walton, McKibben, and Estill.

The Senate refused to excuse Mr. Walton from serving on the committee.

President, *pro tem.*, in the chair.

Mr. De la Guerra, agreeably to notice, introduced a bill for "An Act to amend an Act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish Language; and also to amend an Act passed April 24th, 1852, of the same title;" which was read the first and second time, when

On motion of Mr. Lott, the rules were suspended, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Lott, the bill for "An Act for the relief of J. D. Monnett, M. D., for services rendered sick Immigrants," was taken from the table.

Mr. Lott moved that the bill be considered engrossed, and read a third time.

On which Messrs. Wombough, Hubbs and Foster demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. McKibben,
De la Guerra,	Roach,
Gruwell,	Smith,
Hudspeth,	Snyder,
Keene,	Wade,
Lind,	Wombough—13.
Lott,	

NAYS.

Messrs. Baird,	Messrs. Lyons,
Foster,	Ralston,
Hager,	Walkup—7.
Hubbs,	

So the motion was agreed to, and the bill read a third time and passed.

Mr. Wade moved to take from the table Assembly bill for "An Act to provide for the contingent expenses of the Supreme Court, and State officers."

Which was not agreed to.

Mr. McKibben moved the adoption of the following resolution:

Resolved, That the Chairmen of the Committees on Claims, and Education and Public Library, be empowered to appoint a clerk to serve for both said committees.

Mr. Lind moved to refer the resolution to a select committee of five.

Mr. Hager moved as an amendment, that the committee be instructed to inquire into the number of clerks heretofore employed during this session, and also what clerks are actually necessary for the committee business of the Senate.

On which Messrs. Hager, Lind and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster,	Messrs. Lott,
Hager,	Ralston,
Keene,	Roach,
Kurtz,	Walkup,
Lind,	Walton—10.

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Lyons,
Coffroth,	McKibben,
De la Guerra,	Smith,
Estill,	Snyder,
Gruwell,	Wade—13.
Hubbs,	

So the amendment was lost.

The question was then taken on the motion to refer to a select committee, and

It was agreed to.

And the Chair appointed Messrs. Lind, Walkup, Catlin, Hager and Kurtz the committee.

Mr. Wade gave notice that he would, on to-morrow, or soon thereafter, introduce a bill to unite the offices of Clerk and Recorder of Tulare county.

Mr. Hubbs, Chairman of the Finance Committee, reported back with amendments, a bill for "An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges," and recommended its passage.

The report was accepted, when

On motion of Mr. Hubbs, the Senate went into Committee of the Whole upon the bill, with Mr. Lott in the chair, and having considered the same, and made sundry amendments thereto,

On motion of Mr. Smith, the committee rose and reported the bill back to the Senate.

Mr. Smith moved that the Senate concur in the amendments generally.

Mr. Walton called for a division of the motion, and that the question be taken on the amendments separately.

On which Messrs. Wombough, Lind and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,
Estill,
Hager,
Hubbs,
Keene,
Lind,
Lott,
Roach,
Snyder,
Walton,
Wombough—11.

NAYS.

Messrs. Coffroth,
Foster,
Kurtz,
Lyons,
Smith,
Wade,
Walkup—7.

So the Senate agreed to consider the amendments separately.

Mr. Coffroth moved a call of the Senate.
Lost.
Mr. Walton moved to adjourn.
Lost.
Mr. Coffroth moved to lay the bill upon the table.
Lost.
On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, March 4, 1853.

Senate met pursuant to adjournment.
President in the chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Thursday was read and approved.
Mr. Coffroth presented the memorial of residents of Columbia, Tuolumne county, praying the passage of a law for the better observance

of the Sabbath, and moved its reference to the Committee on Public Vice and Immorality, which was agreed to.

Mr. Wombough presented the remonstrance of G. M. Bourne, hydriatic or water cure physician, against the passage of a law disqualifying all persons from practising medicine and surgery in this State who are not possessed of a medical diploma; which was referred, on motion of Mr. Lyons, to the Committee on State Hospitals.

Mr. Lott moved that three additional members be added to the Committee on Engrossed Bills; which was agreed to.

Assembly bill for "An Act for the Relief of James McKamy" was taken up. Mr. Lind moved its reference to the Committee on Claims; which was agreed to.

Mr. Hager was granted leave to withdraw a demonstration from citizens of San Francisco against the passage of the Port Warden bill.

A message was received, informing the Senate that the Assembly passed, on the second inst., an Act to repeal the first section of an Act entitled "An Act appropriating moneys to meet the contingent expenses of Government," approved May 4, 1852.

Also, "An Act for the Relief of Beverly C. Sanders." And

Concurrent Resolution "Authorizing the Governor to forward to J. C. G. Kennedy, Superintendent of Census, at Washington city, the original census abstracts and reports of the census of this State."

And passed on third inst., a Concurrent Resolution, instructing the Comptroller of State not to issue warrants on the State Prison contracts.

And concurred in Senate amendment to Joint Resolution in regard to the World's Industrial Exhibition.

Assembly bill for an Act to repeal the first section of an Act entitled "An Act appropriating moneys to meet the contingent expenses of Government," approved May 4, 1852, was read twice and referred, on motion of Mr. Hubbs, to the Committee on Finance.

Assembly bill for "An Act for the Relief of Beverly C. Sanders," was read twice and referred, on motion of Mr. Walton, to the Committee on Claims.

Mr. Keene moved that the Senate concur in Assembly Concurrent Resolution instructing the Comptroller of State not to issue warrants on the State Prison contract.

Mr. Wombough moved to lay the resolution upon the table. Lost.

The question was then taken on Mr. Keene's motion, and it was agreed to.

On motion of Mr. Coffroth, Assembly Concurrent Resolution "Authorizing the Governor to forward to J. C. G. Kennedy, Superintendent of Census, at Washington city, the original census abstracts of the State," was referred to the Committee on Federal Relations.

A message was received from the Governor, informing the Senate that he had this day approved an Act supplementary to "An Act concerning Crimes and Punishments," passed April 16, 1850.

An Act to amend "An Act concerning Crimes and Punishments," passed April 16, 1850. And

"An Act concerning the securities of the late John H. Phillips, deceased, County Treasurer of El Dorado county."

A message was also received from the Governor, transmitting the fol-

And passed Senate Joint Resolution "In relation to the Harbor of Santa Cruz."

And passed this day, Senate substitute to Assembly bill for an Act amendatory of an Act entitled "An Act to incorporate the city of Sacramento," passed April, 1851.

On motion of Mr. Estill, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, March 5, 1853.

Senate met pursuant to adjournment.

President in the chair.

The Journal of Friday was read and approved.

Mr. Gruwell presented the petition of Zachariah Jones, of San Jose, Santa Clara county, praying the Legislature to grant him the privilege of constructing a Turnpike Road from San Jose to Santa Cruz, and to collect toll on the same; and moved its reference to the Committee on Roads and Highways.

Which was agreed to.

Mr. Lott, chairman of the Committee on Claims, to whom was referred the account of Taaffe, McCahill & Co., for carpeting, curtains, &c., having considered the same, reported it back with a bill, "An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c., and recommended the passage of the same.

Which was read a first and second time.

On motion of Mr. Snyder, the rules were suspended, it was considered engrossed, read a third time and passed.

Mr. Lott, chairman of the Committee on Claims, to whom was referred the account of the Pioneer Upholstery, reported the same back and asked that it might be withdrawn from the files.

Which was agreed to.

On motion of Mr. Hager, Mr. Kurtz was granted six days' leave of absence.

On motion of Mr. Coffroth, Mr. Lyons was granted three days' leave of absence.

On motion of Mr. Wade, Assembly bill for "An Act to ascertain the Indebtedness of Mariposa county," was taken up, read a first and second time; and,

On motion of Mr. Lind, referred to the Judiciary Committee.

On motion of Mr. Walton, the committee was instructed so to amend the bill as to make it applicable to El Dorado county also.

On motion of Mr. Gruwell, Assembly bill for "An Act for the relief of Jacob D. Hoppe," was taken from the table and referred to the Committee on Claims.

Mr. Catlin, agreeably to notice, introduced a bill for "An Act supplementary to an Act entitled an Act to exempt the Homestead and other property from forced sale in certain cases, and to provide for the recording of said homestead exemption claims."

Which was read the first time and laid over under the rule.

Mr. Catlin moved that the usual number be printed.

Which was agreed to.

Assembly bill for "An Act to authorize the appointment of book keeper to the Comptroller of State, and temporary clerk in the department of Treasurer, and to provide for the payment of clerks in the State offices," was read first and second time.

Mr. Coffroth moved it be referred to the Committee on Finance.

Which was agreed to.

Mr. Hudspeth, agreeably to notice, introduced a bill to be entitled "An Act concerning Estrays."

Which was read the first time and ordered printed under the rule.

Mr. Walton moved to take up the bill for "An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

Which was agreed to.

The amendments reported by the Committee on Finance were considered separately and concurred in.

Mr. Coffroth moved the adoption of the following, as a substitute for section twenty:

"Nothing contained in this Act shall prevent the rules, regulations and laws of particular mining diggings and precincts, when made by American citizens, not inconsistent with the Constitution or Laws of this State or of the United States, to be used in any of the Courts of Justice in this State to govern the decisions of any action."

Upon which, Messrs. Coffroth, Wombough and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Smith,
De la Guerra,	Wade,
Lind,	Walkup—6.

NAYS.

Messrs. Hager,	Messrs. Roach,
Hudspeth,	Snyder,
Keene,	Walton,
Lott,	Wombough—9.
Ralston,	

So the substitute was lost.

On motion of Mr. Walton, section twenty of the bill as amended in Committee of the Whole, was struck out.

Mr. Catlin moved to amend section eight, so as to read:

"That the Sheriff may retain twenty-five per cent. of the amount collected, as his fees therefor."

Which was not agreed to.

Mr. Smith moved to amend section ten, by striking out the word "nor," in the fifth line, and inserting "or."

On which Messrs. Smith, Wade and Coffroth demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Wade,
Estill,	Walkup—5.
Smith,	

NAYS.

Messrs. De la Guerra,	Messrs. Lott,
Hager,	Ralston,
Hudspeth,	Roach,
Keene,	Snyder,
Lind,	Walton—10.

So the motion was lost.

On motion of Mr. Hager, section ten was amended by striking out the word "No," and inserting the indefinite article "a" in the first line.

On motion of Mr. Walton, the following proviso in section nine was adopted:

Provided, That the Recorder of each county shall be paid two per cent. of all moneys collected, under the provisions of this Act, in his county.

On motion of Mr. Walton, the vote by which secti
out, was re-considered.

Mr. Walton then moved that the amendment to section twenty, reported by the Committee of the Whole, be adopted; which was agreed to.

On motion of Mr. Lott, the bill was ordered engrossed for a third reading.

On motion of Mr. Estill, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, March 7, 1853.

Senate met pursuant to adjournment.

President, *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Saturday was read and approved.

Senate bill for "An Act concerning Estrays," was read the second time, when

Mr. Hudspeth moved its reference to the Committee on Missions and Mission Lands.

Which was agreed to.

Senate bill for "An Act supplementary to an Act to exempt the Homestead and other property from forced sale in certain cases, and to provide for the recording of said Homestead Exemption Claims," was read the second time, and referred,

On motion of Mr. Smith, to the Committee on the Judiciary.

Mr. Smith, from the Committee on Engrossment, reported as correctly engrossed "An Act to authorize the State Treasurer to issue five duplicate School Land Warrants."

Report adopted.

Mr. Lott, Chairman of the Committee on Claims, submitted the following report:

Mr. President:

The Committee on Claims, to whom was referred sundry accounts of mechanics, laborers and furnishers, having examined and audited the same,

they having been proved by the oaths of the various claimants, together with the approval of the Superintendent of Public Buildings and his authorized agents.

The account of Henry Hook for taking care of the State House and offices, was not considered, by your committee, as properly chargeable to the State, but to the Superintendent himself. Mr. Hook holds the power of attorney of the Superintendent to act for him as superintendent at Vallejo, during the adjournment of the Legislature to Sacramento city. The law creating the office of Superintendent of Public Buildings does not provide for the appointment of a deputy; and your Committee believe that the petitioner should look to his employer for the claim presented to the Legislature. The committee, therefore, present the accompanying bill, and ask its passage.

All of which is respectfully submitted.

CHAS. F. LOTT,
Chairman.

The report was adopted.

The bill for "An Act for the payment of certain persons therein named, for services rendered and materials furnished," was then read a first and second time, when

On motion of Mr. Smith, the rules were suspended, it was considered engrossed, read a third time and passed.

On motion of Mr. Smith, the Senate went into Committee of the Whole, Mr. Hubbs in the chair, and took under consideration a bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers;" and having made sundry amendments to the bill,

On motion of Mr. Smith, the committee rose, reported it back to the Senate, and asked to be discharged from further consideration of the same.

Which was granted.

President, *pro tem.*, in the chair.

On motion of Mr. Lind, the bill was laid upon the table.

Mr. Catlin moved that Mr. Ralston be granted leave of absence for one day.

Mr. Walton moved to amend the motion by including Messrs. Baird, Hager and Snyder.

Which was accepted, and the leave granted.

On motion of Mr. Catlin, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, March 8, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Coffroth presented the memorial of citizens of Sonora and Tuolumne county, asking the Legislature to locate a branch of the State Hospital in the City of Sonora.

Which was read, and referred, on motion of Mr. Coffroth, to the Committee on State Hospitals.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to Fund the Debt of the County of Los Angeles, and to provide for the payment thereof."

Report adopted.

Mr. Lind, chairman of Senate Committee on Enrollment, reported back Senate bill for "An Act amendatory of an Act entitled an Act to Incorporate the City of Sacramento," passed, 1851, and asked that it might be properly engrossed.

The report was adopted, and the bill ordered to be engrossed.

Mr. Roach, chairman of the Committee on Commerce and Navigation, reported back without amendment, a bill for "An Act to repeal an Act in relation to the City of San Francisco," passed May 1, 1851, and recommended its passage.

The report was adopted; the bill was considered engrossed, read a third time, and passed.

Mr. Keene, chairman of the Committee on State Hospitals, reported a bill for "An Act to establish an Asylum for the Insane of the State of California," as a substitute for Senate bill for "An Act in relation to Hospitals for the Sick, and to establish an Asylum for the Insane."

The report was accepted, the substitute adopted, read a first time, and ordered printed, under the rule.

Mr. Smith, from the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges."

Report adopted.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed,

"An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c." and

"An Act to unite the offices of County Clerk and Recorder of Tulare County."

Report adopted.

The following message was received from the Governor:

Executive Department,
Benicia, March 7, 1853.

To the Senate and Assembly of California:

I deem it my duty, again to invite your attention to the necessity of presenting to Congress a full history, if attainable, of the collection and disbursement of the "Civil Fund"

It is true, that joint resolutions asserting the justness of the claim of the State of California to the proceeds of the customs collected before her admission into the Union, have heretofore been presented to Congress, but I am now assured that we will certainly fail in obtaining all that is justly due, if we fail to forward a full and correct history of the character of this claim. The bill pending in Congress, provides only for the reimbursement of expenditures made by the State prior to her admission into the Union; a sum much less than the amount collected from her citizens before ports of entry were established, or the appointment of collectors authorized by Act of Congress.

The erroneous impression prevails, that nearly the whole amount of the Civil Fund collected before the admission of this State into the Union, was expended by Gov. Riley in the civil administration of the then existing Government.

So far, however, from this being the case, the Civil Treasurer himself, in a report dated December 17, 1849. states that "the whole amount of this Civil Fund received by him between the first day of July and the seventeenth December, 1849, was a little more than one million and four thousand dollars, loaned or transferred to the military departments of the General Government, leaving in his hands over two hundred and fifty thousand dollars," which sum, by order of the Secretary of War, in the month of January, 1850, was turned over to the proper officers of the Treasury Department, to be held subject to the final action of Congress. And Capt. W. H. Halleck, who for some time officiated as Secretary of State, under Gov. Riley, not only corroborates this statement of the Civil Treasurer, in relation to the amount and disposition made of this fund, but presents additional facts of much importance.

Capt. Halleck, in a letter dated "Monterey, January 23d, 1850," states, that although "most of the disbursements made from this fund were for the expenses of the Civil Government, large sums were loaned to different officers and departments of the army and navy—that all such transfers of money from this fund to military and naval officers, were directed to be made as *loans*, and as evidences of these loans, and as security for their payment, drafts on the heads of the corresponding departments in Washington were directed to be taken, and deposited in the place of the money so transferred."

The Civil Treasurer complied with these instructions, and it is believed that the books and papers in his possession contain a correct exhibit of the several sums so loaned or transferred from this fund to officers of the army and navy, and for which drafts were given on the proper departments.

This fund having been collected, as before remarked, prior to the extension of the United States revenue law over California, and of course

without authority of law, the head of the Treasury Department, it is understood, has declined making any disposition of it until specially directed by Act of Congress.

The unexpended balance, amounting to some two hundred and fifty thousand dollars, as well as the several drafts drawn by officers of the army and navy, it is presumed are still on deposit in the Treasury Department, subject to the action of Congress.

In the opinion that the whole of this fund rightfully belongs to the State of California, we are sustained by that of Gov. Riley, during whose administration much of it accumulated, and who was familiar with circumstances of its collection and disbursement.

In a communication to Maj. Gen. R. Jones, Adjutant General United States Army, Washington City, dated Oct. 1, 1849, Gov. Riley thus speaks in reference to this fund:

"Many have expressed the opinion that these funds should be turned over to the new Government, to enable it to go immediately into successful operation. However strongly of the opinion that this money belongs, in justice, to the people of California, I nevertheless shall not deem myself authorized to turn over this money, till instructed to do so by direct orders from Washington."

It is therefore conceived to be the duty of the agents of the people of California, now to adopt such measures as may be necessary to secure the recognition in full of their rights in this respect.

With the view, therefore, of obtaining the information necessary to secure the favorable action of Congress in this matter, I would respectfully recommend the appointment of a joint committee of the Senate and Assembly, to make such an investigation of this subject as its importance demands.

(Signed.) JOHN BIGLER.

Mr. Estill submitted the following concurrent resolution:

Resolved, That a Joint Committee of five be appointed, whose duty it shall be to investigate all the facts and circumstances connected with the use of the Civil Fund, with power to send for persons and papers.

Adopted.

The Chair announced as the committee on the part of the Senate, Messrs. Estill, Catlin, Foster, Wombough and Snyder.

Mr. Catlin, on leave, introduced a bill for "An Act to amend an Act declaring certain Rivers and Creeks navigable," passed February 18th, 1851.

Which was read the first and second time and referred, on motion of Mr. Catlin, to the Committee on Counties and County Boundaries.

Mr. Catlin, agreeably to notice, introduced a bill for "An Act in relation to Personal Mortgages in certain cases, and to provide for Recording the same."

Which was read the first time, and ordered printed, under the rule.

Mr. Hager, on leave, introduced a bill for "An Act to amend an Act entitled an Act prescribing the mode of Assessing and Collecting Public Revenue," passed May 1st, 1851.

Which was read a first and second time, and referred to the Judiciary Committee.

Senate bill for "An Act to amend an Act to provide for the Protection of Foreigners, and to define their liabilities and privileges," was read a third time, and on the question, "Shall the bill be now passed?"

The ayes and nays were demanded by Messrs. Coffroth, Lyons and Wombough, with the following result:

AYES.

Messrs. Catlin, Estill, Gruwell, Hubbs, Hudspeth, Keene, Kurtz, Lind, Lyons, Smith, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Coffroth, Hager, Mr. Roach—3.

So the bill was passed.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "Concurrent Resolution instructing the Comptroller of State not to issue Warrants on the State Prison Contract."

Report adopted.

On motion of Mr. Smith, Senate bill for "An Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial Officers," was taken from the table.

Mr. Smith moved that the bill be engrossed for a third reading.

Mr. Lind moved as an amendment, that the bill be considered in Senate, by sections.

Which was agreed to.

After some discussion, on motion of Mr. Hubbs, the bill was laid upon the table.

Mr. Wombough gave notice that he would, at an early day, introduce a bill for "An Act to create and regulate Public Ferries."

Also, a bill for "An Act to enforce the Collection of Taxes in certain cases."

Mr. Walton presented the memorial of B. F. Harley, and others, in relation to the Extension of the Water Front of San Francisco, and moved its reference to the committee on that subject.

Which was agreed to.

Mr. Estill presented two remonstrances from Practising Attorneys, and other citizens of San Francisco, against the abolition of the Superior Court of said city, and moved their reference to the San Francisco delegation.

Which was agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act for the Relief of J. D. Monnett, M. D., for services rendered sick emigrants."

Also, an Act to amend an Act passed 15th March, 1851, entitled "An Act to provide for the translation of the laws into the Spanish language," and also to amend an Act passed April 24, 1852, of the same title.

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee yesterday presented to the Governor for his approval a "Joint Resolution in regard to the World's Industrial Exhibition."

Also, "An Act to change the name of Henry Thomas Weatherwax."

Report adopted.

Mr. Lind also reported as correctly enrolled a "Joint Resolution in relation to the Harbor of Santa Cruz."

And "An Act to prevent the establishment of Pest Houses in any town, city or village in this State."

Report adopted.

A message was received informing the Senate that the Assembly, on yesterday, passed Senate bill for "An Act to prevent extortion in office, and to enforce official duty," with an amendment to the title.

And Senate bill for "An Act concerning repealed Statutes," with an amendment.

And that the Governor approved on the same day "An Act to change the name of Henry Thomas Weatherwax."

And a "Joint Resolution in regard to the World's Industrial Exhibition."

Assembly amendment to Senate bill for "An Act to prevent extortion in office, and to enforce official duty."

And Assembly amendment to Senate bill for "An Act concerning repealed Statutes," were concurred in.

Mr. Estill moved that the Governor be requested to return to the Senate bill for "An Act to authorize a transfer of causes from the Superior Court of San Francisco;" on which Messrs. Hubbs, Estill and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
Estill,	Walton,
Hubbs,	Wombough—6.

NAYS.

Messrs. Catlin,	Messrs. Keene,
Foster,	Kurtz,
Gruwell,	Roach,
Hager,	Smith—9.
Hudspeth,	

So the motion was lost.

On motion of Mr. Keene, Mr. Ralston was granted leave of absence for the remainder of the week.

On motion of Mr. Coffroth, Mr. Lott was granted leave of absence for two days.

On motion of Mr. Roach, Senate bill for an Act to repeal "An Act to provide for the appointment of a Gauger for the port of San Francisco," was made the special order for Wednesday next.

Mr. Keene gave notice that he would, on Monday next, introduce a bill to confirm the Acts of the Commissioners appointed for the purpose of determining the amount of indebtedness of Yuba and Sutter counties, justly chargeable to Nevada and Placer counties.

Mr. Hubbs gave notice that he would, at an early day, ask leave to introduce a bill for an Act in relation to Mining Claims and Titles.

On motion of Mr. Kurtz, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, March 9, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Hubbs, Chairman of the Committee on Finance, reported back without amendment Assembly bill for "An Act to repeal the first section of an Act entitled an Act appropriating moneys to meet the contingent expenses of Government," approved May 4th, 1852, and recommended its passage.

The report was adopted, the bill read a third time, and passed.

Mr. Hubbs, Chairman of the Finance Committee, reported back with amendments Assembly bill for "An Act to authorize the appointment of Book-keeper to the Comptroller of State, and temporary Clerk in the Department of Treasurer, and to provide for the payment of Clerks in the State offices," and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Hager, from the Judiciary Committee, reported back Senate bill "An Act to amend an Act entitled an Act prescribing the mode of assessing and

collecting Public Revenue," passed May 4th, 1851, and recommended its passage.

The report was adopted, the bill read a third time, and passed.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back without amendment, Senate bill for "An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable," and recommended its passage.

The report was adopted, the bill read a third time, and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, March 9, 1853.

To the Senate and Assembly of the State of California:

I have the honor herewith to transmit a communication received on the 8th inst. from the Hon. S. C. Hastings, Attorney General of the State, enclosing copies of leases executed on the 27th day of November, 1849, by Capt. E. W. Keyes, of the U. S. Army, Commanding at San Francisco.

It appears from the communication of the Attorney General, that the District Attorney of the United States has instituted proceedings to recover rents stipulated to be paid, and to cancel these leases; the same having become void, in consequence of the failure of the lessees to pay the rent; and that he is willing, with the consent of the Attorney General, to make the State a party, in order that her rights in the premises may be adjudicated upon and definitely ascertained. The property described in these leases is known as the "Government Reservation," and in relation to which the second section of the Water Lot Act of March 26th, 1851, provides, "That any estate held by virtue of any lease or leases executed or confirmed by any officer of the United States in behalf of the same, shall be and are hereby granted and confirmed to the lessees thereof." In this connection, it is proper to state, that it is the opinion of the Attorney General, and in which opinion he assures me the District Attorney of the United States concurs, that no officer of the United States Army had authority to make such leases, and, therefore, that no estate was originally granted or created by them; and furthermore, that there was no "estate held" by the lessees at the time of the passage of the Act of 1851. If, however, the Act of 1851 is construed to be a lease on the part of the State, the lessees remain subject to the terms, conditions, and forfeitures specified in the said leases. Both the leases accompanying the communication of the Attorney General, it will be seen on examination, provide, in express terms, that "in default of the payment of the rent stipulated, within the year for which it shall become due, the lease to become null and void." With the knowledge that these leases contained this provision, it is not probable that the District Attorney of the United States would institute proceedings for the recovery of back rents, and to cancel the leases, if the lessees had failed to comply with their requirements.

It is the opinion of the Attorney General, who has carefully examined the question involved, that if these leases are declared forfeited, the property described in them will at once be subject to the control and disposition of the

Legislature. And if these leases are void in their inception from want of authority in the lessor, as maintained by the Attorney General, it is the duty of the agents of the State to adopt measures to secure and protect her rights. The property in question is very valuable, and if it justly belongs to the State, it is time it was placed under the control of her agents, and the revenue accruing therefrom paid into the State treasury.

I would, therefore, respectfully recommend that the Attorney General be authorized, by special Act, to take all necessary steps to secure the rights of the State in the premises.

JOHN BIGLER.

Mr. Hager moved that the message, and accompanying documents marked A, B and C, (See Appendix No. 36,) be referred to the Committee on the Judiciary.

Which was agreed to.

On motion of Mr. Hubbs, the committee was instructed to report on Friday next.

Senate bill, for "An Act to establish an Asylum for the Insane of the State of California," was read a second time and referred, on motion of Mr. Keene, to the Committee on State Hospitals.

Senate bill for "An Act in relation to personal mortgages in certain cases, and to provide for recording the same," was read the second time and referred, on motion of Mr. Catlin, to the Judiciary Committee.

Mr. Snyder submitted the following report in relation to the Superior Court of the city of San Francisco:

Mr. President:

A portion of the committee, to whom was referred a bill for the abolition of the Superior Court of the city of San Francisco, beg leave to report—

That they have had the matter under consideration, and from all the information which they can obtain in relation thereto, have concluded that the objection made by various persons, are not so much against the court as the Judge; those in favor of abolishing the court, admit that another will have to be created in its stead.

Accompanying this report are a series of accusations against Judge Satterlee, made by A. M. Heslep.

We have in our possession a petition, signed by a large number of practising lawyers of the highest respectability, together with many letters, in opposition to the abolition of the Superior Court, which deserve the favorable consideration of this Senate.

With all these facts before us, we report against abolishing the court, and herewith return the bill and accompanying papers.

J. R. SNYDER,
JNO. S. HAGER.

March 9th, 1853.

On motion of Mr. Walton, the accusations were read.

Mr. Estill moved that Assembly bill for "An Act to abolish the Superior

Court of the city of San Francisco, to repeal certain laws relative thereto, and to provide for the transfer of the records and proceedings of the said court," be indefinitely postponed.

Which was agreed to.

The President announced that he had appointed

On the Judiciary Committee—Mr. Wombough, in the place of Mr. Denver;

On the Committee of Counties and County Boundaries—Mr. Hudspeth, in the place of Mr. Denver;

On the Committee on Military Affairs—Mr. Lyons, in the place of Mr. Denver;

On the Committee on Public Expenditures—Mr. Wombough, in the place of Mr. Denver;

And had added to the Committee on Engrossed Bills—Messrs. Walkup, Wade and Kurtz;

And Mr. Baird, to the Committee on Commerce and Navigation.

Mr. Lott in the chair.

On motion of Mr. Hubbs, Assembly bill for "An Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk to the department of Treasurer, and to provide for the payment of clerks in the State offices," was taken under consideration.

Mr. Smith moved to amend the amendments reported by the committee, by inserting $250 per month.

On which Messrs. Hubbs, Kurtz and Keene demanded the ayes and nays, with the following result:

AYES.

Messrs.	Crabb,	Messrs.	Lyons,
	Coffroth,		Smith,
	Foster,		Walton—7.
	Lott,		

NAYS.

Messrs.	Baird,	Messrs.	Keene,
	Catlin,		Kurtz,
	Estill,		Lind,
	Gruwell,		Snyder,
	Hager,		Walkup—11.
	Hubbs,		

So the motion to amend was lost.

Mr. Walton moved to recommit the bill to the Finance Committee, with instructions to inquire whether good clerks can be had for the State offices for $2,500 per annum, in scrip; and to report on Friday morning.

Which was agreed to.

Mr. Estill presented the account of the Pioneer Upholstery of San Francisco, against the State, and moved its reference to the Committee on Claims. Which was agreed to.

Senate bill, providing compensation to the Reporter of the Decisions of the Supreme Court, and the publication of the second volume of reports and the disposal thereof, was read a second time.

Mr. Coffroth moved its reference to a select committee of three.

Which was agreed to.

And the Chair appointed as the committee, Messrs. Coffroth, Foster and Hager.

Assembly bill for "An Act to submit to the legal voters of Tulare county, at the next general election, the permanent location of the Seat of Justice of said county," was read a second time; and,

On motion of Mr. Coffroth, laid upon the table.

Senate bill for "An Act to provide for compensation to owners of private property appropriated to the use of Corporations," was read the second time and referred, on motion of Mr. Wombough, to the Committee on Corporations.

Senate bill for "An Act to regulate the mode of petitioning the Legislature in certain cases," was read a second time, and referred, on motion of Mr. Wombough, to the Committee on Counties and County Boundaries.

Mr. Kurtz moved that the Senate concur in Assembly Concurrent Resolution to appoint a Joint Committee on the Translation of the Laws into the Spanish language.

Which was agreed to.

And the Chair appointed, on the part of the Senate, Messrs. Foster, Roach and De la Guerra.

A message was received, informing the Senate that the Assembly, on yesterday, passed a Concurrent Resolution to constitute the Committees on Federal Relations, of both Houses, a Joint Committee on the Governor's message relating to the Civil Fund.

On motion of Mr. Wombough, the resolution accompanying the message was laid upon the table.

Mr. Smith gave notice that at an early day he would introduce a bill for the relief of Nicolaus Allgeier.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to enforce the collection of taxes in certain cases."

Which was read the first time, and ordered printed under the rule.

Senate Joint Resolution for the division of the State of California into two or more States, was taken from the table.

Mr. Coffroth moved its reference to a select committee of six.

Mr. Hager moved to refer it to the Committee on Federal Relations.

Which was agreed to.

The petition of Thomas Berdue for relief, was taken under consideration, and the report of the Judiciary Committee thereon read. (See Appendix No. 37.)

Mr. Foster moved that the Senate concur in the report of the Committee against granting the relief prayed for.

On which Messrs. Estill, Catlin, and Hubbs, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Coffroth, Estill, Foster, Gruwell, Hager, Hubbs, Keene, Lott, McKibben—10.

NAYS.

Messrs. Baird, Crabb, Kurtz, Lyons, Roach, Snyder, Wombough—7.

So the Senate concurred in the report.

Mr. Walton was excused from voting.

Mr. Walton offered a resolution, instructing the Committee on Public Expenditures to inquire into the amount paid, as well as the amount due to clerks, porters, messengers, &c., in the various offices of State, and whether any diminution of the number, or curtailment of the expenditure, can be made without prejudice to the public service.

The resolution was adopted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to repeal an Act in relation to the city of San Francisco," passed May 1, 1851;

"A bill for the payment of certain persons therein named, for services rendered and materials furnished;"

And Senate Concurrent Resolution to appoint a Joint Committee on the Civil Fund.

Report adopted.

Mr. Lyons, from the Committee on Public Expenditures, reported back for the consideration of the Senate, "An Act for the relief of Immigrants travelling overland to California;" and

"An Act requiring the Comptroller of State to audit certain bills of the members of the present Legislature."

Mr. Wombough moved to adopt the report,

Which was not agreed to.

Mr. Catlin moved a re-consideration of the vote on the passage of Senate bill for "An Act to repeal an Act in relation to the city of San Francisco," passed May 1, 1851.

Mr. Lyons moved a call of the Senate, which was sustained, and Messrs. Coffroth, Hudspeth, and Wade were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Hager moved that further proceedings under the call be suspended.

Which was agreed to.

The question then recurring on the motion to re-consider, the ayes and nays were demanded by Messrs. Hubbs, Coffroth and Estill, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Foster, Gruwell, Hager, Keene, McKibben, Roach, Snyder—10.

NAYS.

Messrs. Coffroth, Estill, Hubbs, Kurtz, Lind, Lott, Lyons, Smith, Walkup, Walton, Wombough—11.

So the motion to re-consider was lost.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, March 10, 1853.

Senate met pursuant to adjournment.
President in the chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Wednesday was read and approved.
Mr. Roach, from the Committee on Public Expenditures, reported back with amendment, Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature," and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Lind submitted the following report:

Mr. President:

The Select Committee, to whom was referred the resolution "that the Chairmen of the Committee on Claims, and on Education, be empowered to appoint a Clerk to serve for both said Committees"—and "that the Committee on Engrossed Bills and Public Expenditures be empowered to employ one Clerk:" and who were to inquire what number of Clerks had been employed, and what number were needed for the business of the Senate, have had the same under consideration and respectfully report,

That they have received a communication and statement from the office of the Comptroller marked A and B—by which it will be seen that the aggregate expenses of the officers and employees of the Senate to the 4th of March, was $14,884 50. And that there was still remaining accounts unpaid. In addition to the regularly elected officers of the Senate, there had been employed seventeen committee, copying, recording and other Clerks, which your committee consider a much greater number than the business of the Senate demands. The amount paid these additional Clerks, up to the time specified, was $7,542. Your committee find that the heaviest portion of the writing on most of the standing committees has been executed, and would recommend for the consideration of the Senate the following resolution:

Resolved, That the standing committees of the Senate be divided into the following four classes.

First Class.

Judiciary and Engrossed Bills.

Second Class.

Finance; Public Expenditures; Roads and Highways; Public Lands; Mission and Mission Lands; and Military Affairs.

Third Class.

Commerce and Navigation; Federal Relations; Hospitals; Education; State Prison; Indian Affairs; Claims; and Contingent Expenses.

Fourth Class.

Corporations; Mines and Mining Interests; Elections; Counties and County Boundaries; Public Printing; and Enrolled Bills.

And that the Chairman of the several classes shall jointly appoint and discharge, if necessary, one Clerk for each class.

(Signed) JOHN Y. LIND,
Chairman.
JOHN S. HAGER,
JAS. WALKUP,
D. B. KURTZ,
A. P. CATLIN.

Mr. Kurtz moved the adoption of the report.

Mr. Smith moved to amend the report, by authorizing the Finance Committee to employ such help in writing as it may deem necessary, and the accounts therefor to be audited by the Senate.

Mr. Lott moved as an amendment to Mr. Smith's motion, that a price, not exceeding fifty cents a folio, be paid to Clerks for copying, &c.

On which, Messrs. Lott, Baird and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Hubbs,
Crabb,	Kurtz,
Gruwell,	Lott,
Hager,	Snyder—8.

NAYS.

Messrs. Baird,	Messrs. Lyons,
Coffroth,	McKibben,
De la Guerra,	Roach,
Estill,	Smith,
Foster,	Walkup,
Hudspeth,	Walton,
Keene,	Wombough—15.
Lind,	

So the motion was lost.

The question recurring on Mr. Smith's motion to amend, the ayes and nays were demanded by Messrs. Smith, Lott and Hager, with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	Roach,
Crabb,	Smith,
Gruwell,	Walkup—9.
Hubbs,	

NAYS.

Messrs. Coffroth,	Messrs. Kurtz,
De la Guerra,	Lind,
Estill,	Lott,
Foster,	McKibben,
Hager,	Snyder,
Hudspeth,	Walton,
Keene,	Wombough—14.

So the motion was lost.

Mr. Crabb moved to amend the report by authorizing each class of committees to employ one or more clerks, as they might deem it necessary.

On which Messrs. Walton, Lind and Walkup demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Crabb,	Messrs. McKibben,
Gruwell,	Smith—4.

NAYS.

Messrs. Catlin,	Messrs. Lind,
Coffroth,	Lott,
Foster,	Lyons,
Hager,	Roach,
Hubbs,	Snyder,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—16.

The question then recurring on the motion of Mr. Kurtz to adopt the report.

It was agreed to.

A message was received, informing the Senate that the Assembly refused, yesterday, to pass Senate bill for "An Act to create an Historical Society of the State of California;"

And refused to concur in Senate amendment to Assembly bill, for "An Act to provide for the contingent expenses of the Supreme Court and State officers;"

And concurred in Senate Concurrent Resolution, to appoint a Joint Committee on the Civil Fund, and that Messrs. McMeans Heydenfeldt, Canney, Thomas and McMahon are the committee on the part of the Assembly; and passed on the 8th instant, "An Act to amend the seventh section of an Act to prohibit the erection of Weirs or other obstruction to the run of Salmon.

Mr. Walton moved that a committee of conference be appointed on the

disagreeing vote of the two Houses, on Assembly bill for "An Act in relation to the contingent expenses of the Supreme Court and State officers."

Which was agreed to.

And the Chair appointed as the committee, Messrs. Walton, Smith and Walkup.

Assembly bill for "An Act to amend the seventh section of an Act to prohibit the erection ef Weirs or other obstructions to the run of Salmon," was read a first and second time,

And referred, on motion of Mr. Lott, to the Committee on Commerce and Navigation.

Senate bill for "An Act to enforce the collection of taxes in certain cases, was read a second time,

And referred, on motion of Mr. Wombough, to the Finance Committee.

Mr. McKibben, on leave, introduced a bill for "An Act to change the name of Alfred Morgan to Alfred Gray Morgan."

Which was read twice,

And on motion of Mr. Smith, the rules were suspended, the bill considered engrossed, read a third time and passed.

President, *pro tem.*, in the chair.

Mr. McKibben moved that the Senate refuse to recede from its vote adopting a substitute for Assembly Joint Resolution, concerning the Historical Society of the State of California.

Which was agreed to.

Mr. McKibben then moved that a committee of conference be appointed on the disagreeing vote.

Which was agreed to.

And the Chair announced as the committee, Messrs. McKibben, Crabb and Lyons.

On motion of Mr. McKibben, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

FRIDAY, March 11, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Hunt.

The Journal of Thursday was read and approved.

Mr. Hager presented the remonstrance of Charles W. Cook, Hyam Joseph and Theodore Shillaber, lessees under the United States, against the action of the State in reference to certain Reservations in San Francisco, and moved its reference to the Judiciary Committee.

It was read and so referred.

Mr. Hubbs, chairman of the Finance Committee, reported back, with amendments, "An Act to enforce the collection of Taxes in certain cases," and recommended its passage.

The report was accepted, when

Mr. Wombough moved that the Senate proceed to the consideration of the bill.

Which was agreed to.

After some discussion, on motion of Mr. Lott, the bill was laid upon the table.

Mr. Hager, chairman of the Committee on Corporations, reported back verbally, without amendment, "An Act supplementary to an Act to reincorporate the city of Stockton," approved April 21st, 1852, for the consideration of the Senate.

The report was accepted and laid upon the table.

Mr. Ralston, chairman of the Judiciary Committee, reported a bill for "An Act concerning sureties on official bonds."

Which was read the first time and ordered printed under the rule.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee, yesterday, presented to the Governor for his approval:

"Joint Resolution in relation to the Harbor of Santa Cruz;" and

"An Act to prevent the establishment of Pest Houses within the limits of any town or city in this State;" and

"An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c."

Report adopted.

Mr. Kurtz, from the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable."

Report adopted.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act entitled an Act prescribing the mode of assessing and collecting the Public Revenue," passed May 1st, 1851.

"An Act to change the name of Alfred Morgan to Alfred Gray Morgan;" and

"An Act amendatory of an Act entitled an Act to Incorporate the city of Sacramento," passed 1851.

And that the committee added to the original bill, after the words "expiration of," in the twenty-seventh line of page two, the words "six months from."

The report was adopted, and the Secretary instructed to notify the Assembly forthwith of the addition, and request its concurrence in the same.

Mr. Hubbs, chairman of the Finance Committee, to whom was recommitted Assembly bill for "An Act to allow the Comptroller and Treasurer of State to appoint additional clerks, submitted a report, with amendments to the bill.

On motion of Mr. Coffroth, the report was laid upon the table temporarily.

Mr. Coffroth moved that the select committee on amendments to the Constitution, be allowed till Tuesday, 22d instant, to make their report; and that the whole subject be made the special order of the day for Thursday, 24th instant.

Which was agreed to.

A message was received from the Governor, informing the Senate that he approved on the 10th instant, "An Act to prevent the establishment of Pest Houses within the limit of any town or city in this State;" and a

"Joint Resolution in relation to the Harbor of Santa Cruz;" and

"An Act entitled an Act for the relief of Taaffe, McCahill & Co., for carpeting, &c."

The following message was also received from the Governor, relative to the shipwreck of the Peruvian barque Eliza in the Bay of San Francisco, with a letter from the Secretary of State of the United States, and a note to him from Mr. Osma, Charge d'Affaires of Peru. (See Appendix No. 38.)

On motion of Mr. Hager, the message and accompanying documents were referred to the Committee on Commerce and Navigation.

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported that the Committee had examined and allowed the following accounts:

Thomas Green, for office chairs and tables, $279.
Steamer Wilson G. Hunt, for freight, $41 50.
Edwin Spear, for carpenter work, $171.
J. Bickerstaff, for carpenter work, $27.
John Hazletine, for hauling, $40.
S. Green, for sixty file reports, $75.
Patrick Magill, for wood furnished, $15.

The report was accepted, and laid upon the table.

Mr. Lott submitted the following report. (See Appendix No. 39.)

The report was adopted.

The bill accompanying the report for "An Act to provide for the payment of the claim of the Pioneer Upholstery," was read the first and second time, when,

On motion of Mr. Coffroth, the rules were suspended, it was considered engrossed, read a third time, and passed.

Mr. Lyons presented the account of Lewis Callish against the State, and moved its reference to the Committee on Contingent Expenses.

Agreed to.

Mr. Hubbs moved to take from the table the report submitted by Mr. Hudspeth in reference to the allowance of certain accounts.

Which was agreed to.

On motion of Mr. Lott, the report was again laid upon the table.

On motion of Mr. Crabb, the Senate went into Committee of the Whole, Mr. Lott in the Chair, and took under consideration the bill for an Act supplementary to an Act to re-incorporate the city of Stockton, approved April 21, 1852, and having considered the bill, and made sundry amendments thereto,

On motion of Mr. Crabb, the Committee rose and reported it back, and the amendments were concurred in.

The bill was considered engrossed, read a third time and passed.

Mr. Crabb moved to amend the title so as to read as follows:

"An Act to amend an Act to re-incorporate the city of Stockton," approved April 21, 1852.

Which was agreed to.

Mr. Hubbs moved to take up Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature, &c."

Which was agreed to.

After some discussion, on motion of Mr. Lind, the bill was recommitted to the Committee on Public Expenditures, with instructions to report a bill explanatory of the "Act requiring the Comptroller to audit certain bills of the members of the present Legislature," approved 25th January, 1853.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled "An Act for the relief of Taaffe, McCahill & Co., for carpeting &c."

Report adopted.

Mr. Wombough gave notice that he would, at an early day, by bill or otherwise, ask an appropriation to ascertain the practicability of draining the tule lands in Yolo county and to protect the banks of the Sacramento river from overflow.

Mr. Lyons, chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to provide for the payment of the claim of the Pioneer Upholstery."

Report adopted.

Mr. Wombough moved to take from the table, "An Act to enforce the collection of Taxes in certain cases."

Which was agreed to.

After some discussion,

On motion of Mr. Wombough, the bill was made the special order for tomorrow, at 12 o'clock.

Mr. Smith moved that the Senate proceed to the consideration of the bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial officers."

Mr. Wombough moved a call of the Senate.

Lost.

The question recurring on motion of Mr. Smith, the ayes and nays were

demanded by Messrs. Smith, Lyons and Wombough, with the following result:

AYES.

Messrs. Baird,	Hudspeth,
Catlin,	Kurtz,
Crabb,	Lyons,
Coffroth,	Smith,
De la Guerra,	Walkup,
Hubbs,	Wombough—12.

NAYS.

Messrs. Estill,	Messrs. Lind,
Foster,	Lott,
Hager,	Wade—6.

So the Senate agreed to consider the bill.

Mr. Lind in the chair.

Mr. Smith moved to add the county of Tulare to the Fourth Judicial District.

On which, Messrs. Smith, Wade and Hager demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin,	Messrs. Kurtz,
Coffroth,	Lind,
De la Guerra,	Lyons,
Foster,	Smith,
Hudspeth,	Wombough—10.

NAYS.

Messrs. Baird,	Messrs. Lott,
Crabb,	Wade,
Hager,	Walkup—7.
Hubbs,	

So the motion was agreed to.

On motion of Mr. Coffroth, the vote just taken was re-considered.

Mr. Wade moved that Tulare county be attached to the Fisrt Judicial District, for judicial purposes.

Mr. Kurtz moved, as an amendment, that it be attached to the Fifth Judicial District.

Mr. Crabb moved to lay the bill upon the table.

Which was agreed to.

Mr. Coffroth, on leave, introduced a bill for "An Act to authorize the

Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire."

Which was read twice and referred to the Committee on Finance.

President in the chair.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled "An Act concerning repealed Statutes:" also,

"An Act to prevent extortion under color of office, and to enforce official duty."

Report adopted.

A message was received, informing the Senate that the Assembly, on yesterday, passed the following Senate bills, "An Act for the relief of Taaffe, McCahill & Co., for carpeting, &c."

"An Act to fund the debt of Los Angeles county and provide for the payment thereof;"

"An Act to repeal an Act in relation to the city of San Francisco," passed May 1st, 1851.

"An Act to unite the offices of County Clerk and Recorder of Tulare county;"

And refused to pass Senate bill for "An Act to authorize the State Treasurer to issue five duplicate School Land Warrants."

And passed Assembly bill for "An Act to be entitled an Act amendatory of and supplementary to sections four and eight of an Act entitled an Act concerning Divorces," passed March 25th, 1851.

Also Assembly bill for "An Act to require the owners and consignees, agents and importers of Flour, arriving within this State, to report the same to the Board of Port Wardens in the city of San Francisco," as a substitute to Senate bill, No. 7.

Also Assembly Concurrent Resolution to appoint a joint committee of the two houses "to draft and report a bill apportioning the State into Senatorial and Assembly districts," and appointed Messrs. Canney, Redding of Yuba, Garfield, Snyder and Cabaniss on the part of the Assembly.

And appointed also Messrs. Fairfax, Heydenfeldt and Garfield as a committee of conference on the disagreeing vote of the two houses on Assembly Joint Resolution "concerning the Historical Society of the State of California." And appointed also Messrs. Wing, Canney and Conness on the disagreeing vote of the two houses on Assembly bill for "An Act to provide for the contingent expenses of the Supreme Court and State officers."

Mr. Snyder, on motion of Mr. Lott, was granted leave of absence.

Mr. Coffroth moved a call of the Senate.

Lost.

On motion of Mr. Foster, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, March 12, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled—

An Act amendatory of an Act entitled "An Act to incorporate the city of Sacramento," passed 1851.

Report adopted.

Mr. Lind also reported as correctly enrolled an Act to repeal the first section of an Act entitled "An Act appropriating moneys to meet the contingent expenses of Government," approved May 4, 1852.

Also, a Concurrent Resolution to appoint a Joint Committee on the translation of laws into Spanish.

And an Act to repeal "An Act in relation to the city of San Francisco," passed May 1, 1851.

Report adopted.

Mr. Hubbs, Chairman of the Finance Committee, reported back with amendments Senate bill for "An Act to authorize the Comptroller to issue and the Treasurer to register a Warrant, in lieu of one destroyed by fire," and recommended its passage.

The report was adopted and the amendments concurred in.

On motion of Mr. Wade the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Walkup, Chairman of the Committee on Roads and Highways, reported back with amendments Senate bill for an Act to amend an Act entitled "An Act concerning Toll Bridges," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Walton submitted the following report:

Mr. President:

The Joint Committee of Conference, upon the disagreeing vote of the two Houses, on the bill entitled "An Act to provide for the contingent expenses of the Supreme Court, and State officers," have had the same under consideration, and report—

Amend Assembly bill by inserting after the word "of" in line two, the words "Governor's office."

Amend the title so that it will read "An Act to provide for the contingent expenses of the offices of the Governor, Treasurer, Comptroller and Secretary of State, and of the Supreme Court."

Your Committee also recommend that the Senate adhere to its amendments.

Respectfully submitted.

[illegible]
[illegible]
[illegible]
[illegible]
Committee.

[illegible] Wood, Chairman, Assembly Committee.

The report was received.

A message was received informing the Senate that the Assembly has concurred in Senate amendments proposed by the Senate Committee on Engrossment, to the bill [illegible] entitled "an Act to incorporate the city of Sacramento," passed 1851.

Also passed Assembly bill No. [illegible] an Act to create the county of Alameda, and to establish the Seat of Justice thereof," to declare its boundaries and provide for its organization.

The bill accompanying the message was read the first and second time.

Mr. Caldwell moved to reference to the Committee on Counties and County Boundaries.

Mr. Woodbridge moved that the bill and petition accompanying it be read, which was agreed to and the bill and petition were read.

Mr. Caldwell then renewed his motion, a reference to the Committee on Counties and County Boundaries and it was agreed to.

On motion of Mr. Lott, Mr. Foster was granted leave of absence.

Mr. Wade asked leave of absence for Mr. Gough for one day, which was granted.

Mr. Lott, from the Joint Committee on Enrollment, reported an enrolled act to [illegible] the offices of Yuba and Sutter, of Yuba county.

Report adopted.

Mr. Lott, Chairman of the Committee on Public Expenditure, reported back Assembly bill No. [illegible] an Act providing for Compensation to small debtors [illegible] of the present Legislature," with a substitute in the same.

The report was accepted and said bill with the substitute.

Mr. Hamilton, Chairman of the Finance Committee, submitted the following report. [illegible]

Mr. Lott moved the adoption of the report, which was agreed to.

The Joint Resolution accompanying the "Report in relation to Joint Assemblies" was read the first and second time, when on motion of Mr. Wade the rules were suspended, it was ordered engrossed, read a third time and passed.

Mr. Lott, [illegible] to which referred a bill to [illegible] an Act to establish a State Road from Benicia to Washington, in Yolo county," which was read the first time and ordered printed, under the rule.

Assembly bill No. [illegible] an Act to organize [illegible] and [illegible] agents, attorneys at law, attorney within the State, to appear for and in the

Board of Port Wardens of the city of San Francisco,"—a substitute for Senate bill No. 7; was read the first time and laid over under the rule.

Assembly Concurrent Resolution "To appoint a Joint Committee of the two Houses to draft and report a bill apportioning the State into Senatorial and Assembly Districts," was concurred in.

Mr. Lott moved that the Committee on the part of the Senate, upon the same subject, be appointed as the Committee required by the resolution; which was agreed to.

Assembly bill for an Act to be entitled an Act amendatory to and supplementary to sections 4th and 8th of "An Act concerning Divorces," passed March 25, 1851, was read the first time, and laid over under the rule.

A report was received from the Attorney General in reply to a resolution of the Senate, as to what extent, under the Constitution, the Senate and Assembly may Legislate by Joint Resolution, (Appendix 76); which was read, and on motion of Mr. Lott, referred to the Judiciary Committee.

Mr. Coffroth in the chair.

Mr. Lott, on leave, introduced a bill for an Act to amend an Act entitled "An Act creating and regulating Public Ferries," passed March 18, 1850; which was read twice and referred to the Committee on Commerce and Navigation.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to authorize the Comptroller to issue and the Treasurer to register a Warrant, in lieu of one destroyed by fire.

Report adopted.

Mr. Roach, on leave, introduced an Act to amend an Act entitled "An Act concerning Passengers arriving in the ports of the State of California;" which was read the first and second time, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Wombough, the special order of the day being a bill for "An Act to provide for the collection of Taxes in certain cases," was taken under consideration.

Mr. Walton moved to amend the first section.

Mr. Wombough moved a call of the Senate, which was sustained; and Messrs. De la Guerra, Keene, Kurtz, Lind, Lyons, and McKibben, were absent.

The Sergeant at-Arms was despatched for the absentees.

Messrs. Kurtz, Lyons, Lind, Keene, and De la Guerra, appeared and were admitted.

On motion of Mr. Wade, further proceedings under the call were suspended.

On motion of Mr. Hubbs, Mr. Gruwell was granted leave of absence.

The question recurring on the adoption of Mr. Walton's motion to strike out in section first, line four, the word "double," and insert the following:

"*Provided*, That if any person shall bid and pay the amount of taxes and costs for a portion of said property, less than the whole amount, then that person bidding and paying the amount of taxes and costs for the least amount of said property, shall be the purchaser."

The ayes and nays were demanded by Messrs. Walton, Keene, and Smith.

And the motion was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Roach,
Catlin,	Smith,
De la Guerra,	Wade,
Hager,	Walkup,
Lind,	Walton—10.

NAYS.

Messrs. Coffroth,	Messrs. Kurtz,
Estill,	Lott,
Hubbs,	Lyons,
Keene,	Wombough—8.

On motion of Mr. Hager, section one was further amended by striking out the word "properly," and inserting the word "legally."

On motion of Mr. Hubbs, section three was amended, by inserting at the end of the section the words "or purchaser."

The section was further amended, on motion of Mr. Wade, by inserting after the word "paying," in the third line, the words "to the purchaser thereof."

And on motion of Mr. Smith, by striking out the word "property," and inserting, in the first line, the words "all real property."

Mr. Hager moved to amend section two by inserting a proviso, "That such agent shall only be paid for services from out of the proceeds of such property and sales."

Which was lost.

Mr. Walton moved the adoption of an additional section, seven.

Which was lost.

A message was received informing the Senate that the Assembly this day passed Senate bill for "An Act to authorize the Comptroller to issue, and the Treasurer to register, a Warrant in lieu of one destroyed by fire."

Mr. Walton moved to recommit the bill under consideration to the Finance Committee, with instructions to remodel it.

On which Messrs. Wombough, Lyons, and Keene demanded the ayes and nays.

And the motion was lost by the following vote:

AYES.

Messrs. Baird,	Mr. Smith—3.
Hager,	

NAYS.

Messrs. Catlin,	Messrs. Lott,
Coffroth,	Lyons,
De la Guerra,	Roach,
Estill,	Wade,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—15.
Lind,	

On motion of Mr. Wombough, section five of the bill was struck out.

Mr. Wombough moved that the bill be ordered engrossed for a third reading.

On which, Messrs, Wade, Smith and Hager, demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Hubbs,	Roach,
Keene,	Walkup,
Lind,	Walton—10.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Smith,
Estill,	Wade,
Hager,	Wombough—8.

So the bill was ordered engrossed for a third reading.

A message was received from the Governor, informing the Senate that he had this day approved "An Act to repeal an Act in relation to the City of San Francisco," passed May 1, 1851.

Mr. Roach, on leave, introduced a bill for "An Act to provide a Sinking Fund for the County of Monterey."

Which was read twice, and referred, on motion of Mr. Roach, to the Committee on Finance.

On motion of Mr. Lyons, the Senate proceeded to the consideration of the Assembly bill for "An Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

The substitute to Assembly bill reported by the Committee on Public Expenditures, to wit: "An Act to explain an Act in relation to the supplies of Fuel, and other contingent expenses of the Legislature," approved January 27, 1853, was adopted, and read the first and second time.

On motion of Mr. Lott, the second section was struck out.

On motion of Mr. Hubbs, the rules were suspended, the bill considered

engrossed, read a third time, and the question then being "Shall the bill be now passed?"

Mr. Estill moved that the Senate do now adjourn till seven o'clock, Monday evening.

The motion was withdrawn, when

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor for his approval—

"An Act concerning Repealed Statutes;"

"An Act to prevent Extortion in office, and to enforce official duty;"

"An Act to repeal an Act in relation to the City of San Francisco," passed May 1, 1851;"

"An Act to unite the office of Clerk and Recorder of Tulare County;"

"An Act amendatory of an act entitled an Act to Incorporate the City of Sacramento," passed in 1851; and

"An Act to repeal the first section of an act entitled an Act appropriating moneys to meet the Contingent Expenses of Government," approved May 4th, 1852.

Report adopted.

Mr. Lind then renewed the motion to adjourn to meet on Monday, at seven o'clock, P. M.

Which was agreed to, and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, March 14, 1853.

Senate met pursuant to adjournment.

President in the chair.

The Journal of Monday was read and approved.

Mr. Roach, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court."

Report adopted.

A message was received, informing the Senate that the Assembly passed on the 12th instant, "An Act establishing the Seat of Justice of the county of Butte, and amending the twenty-first section of an Act dividing the State

into counties and establishing Seats of Justice therein," passed April 25th, 1851.

The bill was read twice, when

Mr. Lind moved its reference to the Senator from Butte county,

Which was agreed to.

Senate bill for "An Act to establish a State road from Benicia to Washington, in Yolo county," was read a second time, and referred,

On motion of Mr. Lyons, to the Committee on Roads and Highways.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to enforce the collection of taxes in certain cases;"

And a Joint Resolution in relation to Postal arrangements."

Report adopted.

Assembly bill for "An Act amendatory and supplementary to sections fourth and eighth of an Act entitled an Act concerning Divorces," passed March 25, 1851; was read a second time, and referred,

On motion of Mr. Coffroth to the Judiciary Committee.

Assembly bill for "An Act to require the owners and consignees, agents and importers of Flour, arriving within the State, to report the same to the Board of Port Wardens of the city of San Francisco," being a substitute for Senate bill, No. 7; was read the second time, and

On motion of Mr. Hubbs, laid upon the table.

Senate bill for "An Act concerning sureties on official bonds," was read a second time and laid upon the table.

Mr. Hubbs moved that the Senate proceed to the consideration of the unfinished business of Saturday, being "An Act to explain an Act entitled an Act in relation to the supplies of fuel and other contingent expenses of the Legislature," approved January 27, 1853.

Which was agreed to.

The bill having been read a third time, the question was on its passage.

Mr. Lott moved a consideration of the vote on the third reading.

Agreed to.

On motion of Mr. Walton Walton, the bill was amended, read a third time and passed.

On motion of Mr. Hubbs, Assembly bill for "An Act to authorize the appointment of Book-Keeper to the Comptroller of State and temporary Clerk in the department of Treasurer, and to provide for the payment of Clerks in the State offices," was taken under consideration, and the amendments reported by the committee read.

Mr. Walton moved to amend the amendment reported by the committee, by striking out "eight and one-third," and inserting $250 per month.

Which was agreed to.

On motion of Mr. Hubbs, the amendment as amended, was adopted.

The remainder of the amendments reported by the Committee on Finance were concurred in, and the bill read a third time and passed.

Mr. Lyons moved that the Senate proceed to the consideration of the bill for "An Act to enforce the collection of taxes in certain cases."

Which was agreed to, and the bill read a third time.

Mr. Lind in the chair.

Mr. Walton moved a re-consideration of the vote on the third reading of the bill.

On which Messrs. Hubbs, Coffroth and Wombough demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Foster,	Roach,
Keene,	Smith,
Kurtz,	Wade,
Lind,	Walton—10.

NAYS.

Messrs. Coffroth,	Walkup,
Hubbs,	Wombough—4.

So the vote was reconsidered.

Mr. Sprague was excused from voting.
Mr. Hubbs moved to re-commit the bill with instructions.
Mr. Wombough moved to lay it upon the table.
The question was first taken on Mr. Wombough's motion.
And it was agreed to, and the bill laid upon the table.
On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, March 15, 1853.

Senate met pursuant to adjournment.
President in the Chair.
Prayer by the Rev. Mr. Woodbridge.
The Journal of Monday was read and approved.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed "An Act to explain an Act entitled an Act in relation to the supplies of fuel, and other contingent expenses of the Legislature," approved January 27, 1853.

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire."

Report adopted.

Mr. Lott, to whom had been referred the "Act establishing the seat of justice of the county of Butte, and amending the 21st section of an Act dividing the State into counties, &c.," reported the bill back without amendment, and recommended its passage.

The report was accepted, and the bill read a third time.

Mr. Sprague moved that the vote on the third reading be reconsidered.

Which was agreed to.

On motion of Mr. Sprague, the bill was amended by striking out the word "bluff" in the tenth line of section three, and inserting the word "bank."

The bill was then read a third time and passed.

A message was received from the Governor, informing the Senate that he had approved this day "An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento," passed in 1851.

"An Act to unite the offices of Clerk and Recorder of Tulare county;"

"An Act concerning repealed statutes;"

"An Act to prevent extortion in office, and to enforce official duty."

Mr. Hubbs, Chairman of the Committee on Finance, reported back without amendment Senate bill for "An Act to provide a Sinking Fund for the county of Monterey," and recommended its passage.

The report was adopted, the bill read a third time, and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to amend an Act to re-incorporate the city of Stockton," approved April 21, 1852.

Report adopted.

A message was received, informing the Senate that the Assembly concurred, on the 12th instant, in the report of the Conference Committee on the disagreeing vote of the two Houses on Assembly bill for "An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court;"

And passed Assembly bill for "An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of the County of Santa Clara;"

And "An Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay;"

And passed Senate bill for "An Act to amend an Act passed March 15, 1851, entitled an Act to provide for the translation of the Laws into the Spanish language, and also to amend an Act passed April 24, 1852, of the same title."

And passed this day, Senate bill for "An Act authorizing the appointment of book-keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment."

Assembly bill for "An Act for the better regulation of Pilots for the Bar and Harbor of Humboldt Bay," was read twice, and referred to the Committee on Commerce and Navigation, on motion of Mr. Hubbs.

Assembly bill for "An Act to legalize certain official acts of William J. Lewis, County Surveyor of the county of Santa Clara," was read twice, and referred, on motion of Mr. Hubbs, to the Committee on the Judiciary.

Mr. Lott moved that the special order of the day, being Joint Resolutions for the calling of a Miners' Convention, be made the special order for Tuesday next, 22d inst.

Which was agreed to.

On motion of Mr. Lott, Messrs. Baird, Hager and Snyder, were granted leave of absence.

Mr. Wade gave notice that he would, on to-morrow, or soon thereafter, introduce a bill to increase the salary of the County Judge of Mariposa county.

On motion of Mr. Hubbs, the Senate went into Committee of the Whole, Mr. Sprague in the chair, and took under consideration "An Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial Officers," and having considered the same for some time,

On motion of Mr. Lott, the Committee rose, reported the bill back to the Senate, and were discharged from further consideration of the same.

On motion of Mr. Wade, the Senate proceeded to the consideration of the amendments separately.

The question was taken on concurring in the amendment reported by the committee of the whole, to attach Tulare county to the Fifth Judicial district.

On which the ayes and nays were demanded by Messrs. Wade, Smith and Crabb, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Foster,	Walkup,
Kurtz,	Wombough—6.

NAYS.

Messrs. Crabb,	Messrs. Roach,
Hubbs,	Smith,
Keene,	Sprague,
Lind,	Wade,
Lyons,	Walton—10.

So the motion was lost.

Mr. Smith moved to amend the bill by making Tulare county the Twelfth Judicial district.

On which Messrs. Walton, Wombough and Lind, demanded he ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Crabb, Hubbs, Lyons, Smith, Wade, Wombough—6.

NAYS.

Messrs. Foster, Keene, Kurtz, Lind, Lott, Ralston, Sprague, Walkup, Walton—9.

Mr. Smith then moved that Tulare county be attached to the Second Judicial district

On which Messrs. Smith, Wombough and Hubbs, demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Hubbs, Keene, Kurtz, Lind, Lott, Ralston, Smith, Sprague, Walton, Wombough—10.

NAYS.

Messrs. Crabb, Foster, Lyons, Wade, Walkup—5.

Mr. Hubbs moved a re-consideration of the vote just taken.

On which, Messrs. Kurtz, Hubbs and Wade, demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin, Crabb, Hubbs, Kurtz, Lyons, Roach, Wade, Wombough—8.

NAYS.

Messrs. Foster, Keene, Lind, Lott, Smith, Sprague, Walkup, Walton—8.

So the motion to attach Tulare county to Second Judicial District was not reconsidered.

Mr. Smith moved that the thirteenth section, as amended, be adopted.

On which, Messrs. Smith, Hubbs and Wade, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Lind, Lott, Lyons, Ralston, Smith, Sprague, Walkup—7.

NAYS.

Messrs. Crabb, Foster, Hubbs, Keene, Kurtz, Wade, Walton—7.

Mr. Lind moved the reference of section thirteen to a select committee of one from each Judicial District.

Which was agreed to.

And the Chair announced as the committee:

First District—Mr. Kurtz;
Second District—Mr. De la Guerra;
Third District—Mr. Roach;
Fourth District—Mr. Hager;
Fifth District—Mr. Lind;
Sixth District—Mr. Ralston;
Seventh District—Mr. Hudspeth;
Eighth District—Mr. ———;
Ninth District—Mr. Lott;
Tenth District—Mr. Smith;
Eleventh District—Mr. Keene.

Mr. Smith moved to amend section fifty-six of the bill.

Mr. Walton moved to adjourn.

Which was agreed to.

And the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, March 16, 1853.

The Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Coffroth presented the remonstrance of certain citizens of Contra Costa county, against the passage of a bill for "An Act to create the county of Alameda, and to establish the Seat of Justice therein."

Which was read and referred, on motion of Mr. Lind, to the Committee on Counties and County Boundaries.

Mr. Catlin presented a petition from citizens of Sacramento county, in relation to the abolition of the Land Commission.

Which was read.

Mr. Ralston moved its reference to the Committee on Federal Relations.

Which was agreed to.

Mr. Coffroth presented the petition of F. M. Warmcastle, County Judge; Thomas A. Brown, County Clerk, and L. H. Hastings, County Assessor, of Contra Costa county, in favor of the passage of "An Act to create the county of Alameda."

Which was read and referred, on motion of Mr. Coffroth, to the Committee on County and County Boundaries.

Mr. Ralston presented a petition from citizens of Sacramento county, in reference to the repeal by Congress, of the law creating a Board of Land Commissioners for this State, and moved its reference to the Committee on Federal Relations.

Agreed to.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back Assembly bill, for "An Act to amend the 7th section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon;" and recommended its passage with an amendment.

The Report was adopted.

The amendment concurred in.

The bill read a third time, and passed.

Mr. Roach, Chairman of the same Committee, to whom was referred the petition of citizens of San Francisco, praying an amendment to the Ferry Laws, as regards the Bay of San Francisco; reported back Senate bill for "An Act to amend the Act creating and regulating Public Ferries," and in order to meet the views of the petitioners, recommended the passage of the bill with amendments.

The report was accepted, and

On motion of Mr. Smith, laid upon the table.

Mr. Roach also submitted the following Report:

Mr. President:

The Committee on Commerce and Navigation, to whom was referred "An Act to amend an Act, concerning passengers arriving in the ports of the State of California;" have had the same under consideration, and would recommend its passage, with an amendment to the 9th section, furnished by the Chairman of the Committee of Finance.

It appears from data furnished by the Commissioner of Emigrants, that 23,498 passengers arrived in the steamers, of whom 997 were reported as foreigners. The amendment to the law is proposed, with the view of collecting the commutation tax, and of relieving the State from the onerous burthen of supporting the sick daily brought to this port by the various lines of steamers.

PHILIP A. ROACH,
Chairman.

The report was accepted, and laid upon the table.

Mr. Lind from the Joint Committee on enrolled bills reported as correctly enrolled, an Act to authorize the appointment of book-keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment.

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported also, that the committee yesterday presented to the Governor for his approval,

"An Act to provide for the contingent expenses of the offices of Governor, Treasurer, Comptroller, and Secretary of State, and of the Supreme Court:"

"An Act to authorize the Comptroller to issue, and the Treasurer to register, a warrant in lieu of one destroyed by fire:" and

"An Act to authorize the appointment of book keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State, and to provide for their payment."

Report adopted.

Mr. Smith submitted the following report:

Mr. President:

The Committee on Counties and County Boundaries, to whom was refered, Assembly bill for "An Act to create the county of Alameda, and establish the Seat of Justice therein, to define its boundaries and to provide for its organization." having taken the same under careful consideration beg leave to submit the following report:

Your committee believe that when a majority of the people of any particular locality desire a change in their county organization, and represent that desire to the Legislature, in the proper manner, their wish should be regarded and their prayers granted.

Your committee are led to believe that a very large portion of the citizens who will be affected by the proposed creation of the above named county, desire the passage of the bill.

They are led to this belief, from an examination of different petitions

in relation to the same, as well as from numerous conversations had with the Senator representing this portion of country.

In view of the above, your Committee respectfully report back said bill without amendments, and recommend its passage.

SAMUEL B. SMITH,
Chairman.

Mr. Lind moved to lay the report upon the table.

Not agreed to.

Mr. Hubbs, moved that the Senate proceed to the consideration of the morning business.

On which, Messrs. Lind, Hager and Wade, demanded the ayes and nays, and

The motion was lost by the following vote:

AYES.

Messrs.	Hubbs,	Messrs.	Ralston,
	Kurtz,		Sprague,
	Lind,		Walkup,
	Lott,		Walton—8.

NAYS.

Messrs.	Baird,	Messrs.	Keene,
	Catlin,		Lyons,
	Crabb,		Roach,
	Coffroth,		Smith,
	De la Guerra,		Wade,
	Foster,		Wombough—13.
	Hudspeth,		

On motion of Mr. Lind, the Senate went into Committee of the Whole, Mr. Coffroth in the chair, and took under consideration, Assembly bill for "An Act to create the County of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization;" and having considered the same and made sundry amendments thereto,

On motion of Mr. Smith, the Committee rose, reported the bill back, and were discharged from its further consideration.

Mr. Hubbs moved that the Senate proceed to the consideration of the amendments separately,

Which was agreeed to.

Mr. Hager's amendment to section one was concurred in.

Mr. Lott moved to amend section eleven, by striking out the word "New Haven," and inserting the word "Alvarado," and add to the end of the section, "which shall be known as the Seat of Justice of Alameda County."

On which, Messrs. Sprague, Lott and Hager, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Hudspeth,
Crabb,	Keene,
Coffroth,	Lott,
De la Guerra,	Lyons,
Foster,	Smith,
Hager,	Wombough—14.

NAYS.

Messrs. Kurtz,	Messrs. Wade,
Lind,	Walkup,
Roach,	Walton—7.
Sprague,	

Mr. Hubbs moved to amend, by adding to the end of the eleventh section, "or at such place as may be designated by a majority of the votes polled at the election to be held on the second Monday in April next."

On which Messrs. Hubbs, Lott and Lind, demanded the ayes and nays. And the motion was lost by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Hager,	Sprague,
Hubbs,	Walkup,
Kurtz,	Walton—9.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Crabb,	Roach,
De la Guerra,	Smith,
Foster,	Wade,
Hudspeth	Wombough—13.
Keene,	

On motion of Mr. Wombough, the following words, "as near as practicable," in section three, were struck out.

Mr. Ralston moved the adoption of the following proviso to section eleven:

"*Provided*, the same may be removed by a vote of the people, in accordance with the law in such case provided."

Lost.

Mr. Smith moved the adoption of the following proviso at the end of section sixteen:

Provided, The parts of counties out of which the county of Alameda is formed shall, for judicial purposes, remain in and constitute parts of the counties to which they respectively belonged before the passage of this Act, until the county of Alameda shall be organized, under the provisions of this Act.

Agreed to.

Mr. Smith offered the following, as an additional section:

Section 17. Nothing in this Act shall be so construed as to prevent those persons now citizens of Contra Costa county, who by the operation of this Act shall become citizens of Alameda county, from participating in and voting at the election to be held in Contra Costa county on the 26th of March, 1853.

Adopted.

On motion of Mr. Smith, the bill was considered engrossed, read a third time, and the on question "Shall the bill be now passed?"

The ayes and nays were demanded by Messrs. Walkup, Smith and Lind, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Lott,
Crabb,	Lyons,
Coffroth,	Ralston,
De la Guerra,	Roach,
Foster,	Smith,
Hager,	Sprague,
Hubbs,	Wade,
Hudspeth,	Wombough—18.

NAYS.

Mr. Lind, Mr. Walkup—2.

So the bill was passed.

Mr. Sprague moved to amend the title by adding "And to change the name of the town of New Haven to Alvarado;" which was not agreed to.

Mr. Hager, Chairman of the Committee on Corporations, reported back Senate bill to provide for the incorporation of railroad companies, and recommended its passage, with amendments. The report was accepted, and on motion of Mr. Crabb the bill was made the special order for to-morrow at 12 o'clock.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to regulate fees in office;" which was read the first time and ordered printed, under the rule.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide a sinking fund for the county of Monterey."

Report adopted.

Mr. Hubbs, on leave, introduced a bill for "An Act concerning Notaries Public;" which was read the first time and ordered printed, under the rule.

Mr. Sprague, on leave, introduced a bill for "An Act to provide a Library for the Supreme Court;" which was read the first time and ordered printed, under the rule.

Mr. Ralston, on leave, introduced a bill for "An Act to define the jurisdiction of counties separated by rivers and water courses;" which was read the first and second time, and referred, on motion of Mr. Ralston, to the Committee on the Judiciary.

A message was received, informing the Senate that the Assembly passed, yesterday, Senate bill for "An Act relative to Port Wardens in San Francisco and Sacramento, and other ports of California;" and

Assembly bill for "An Act for the Relief of Reuben Clark and William Crane;" and

"Assembly Joint Resolution relative to the Law Library at the city of San Francisco."

Assemby bill for the Relief of Reuben Clark and William Crane was read twice, and referred, on motion of Mr. Wade, to the Committee on Claims.

Assembly Joint Resolution relative to the Law Library at the city of San Francisco, was read twice and referred, on motion of Mr. Hager, to the Committee on State Library.

A message was received informing the Senate that the Assembly, on the 12th inst., passed a bill for "An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt."

The bill was read twice, and referred, on motion of Mr. Lott, to the Committee on Counties and County Boundaries.

A message was received from the Governor, informing the Senate that he approved, on the 15th inst., "An Act to authorize the Comptroller to issue and the Treasurer to register a warrant, in lieu of one destroyed by fire."

The special order of the day being a bill for an Act to repeal "An Act to provide for the appointment of a Gauger for the port of San Francisco," passed May 3d, 1852, was taken under consideration.

Mr. Lott moved to lay the bill upon the table.

On which Messrs. Lind. Crabb and Hager, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. De la Guerra,	Messrs. Lyons,
Hubbs,	Smith,
Keene,	Sprague—7.
Lott,	

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Foster, Hager, Hudspeth, Lind, Roach, Wade, Walkup, Walton—12.

Mr. Smith moved an adjournment; on which Messrs. Lind, Lyons and Walkup demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. De la Guerra, Hubbs, Keene, Lott, Lyons, Smith, Sprague, Walton—8.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Foster, Hager, Hudspeth, Lind, Roach, Wade, Walkup—11.

Mr. Crabb moved that the bill be considered engrossed, and read a third time.

Mr. Lyons moved a call of the Senate.

Not sustained.

Mr. Lyons moved that the Senate adjourn; on which Messrs. Sprague, Lind and Lyons demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. De la Guerra, Hubbs, Keene, Lott, Lyons, Smith, Sprague, Walton—8.

NAYS.

Messrs. Baird, Catlin, Crabb, Hudspeth, Lind, Roach,

Messrs. Coffroth, Messrs. Wade,
Foster, Walkup—11.
Hager,

Mr. Lyons moved to lay the whole subject upon the table; on which Messrs. Lyons, Smith and Hubbs demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Hubbs, Messrs. Lyons,
Hudspeth, Smith,
Keene, Sprague,
Lott, Walton—8.

NAYS.

Messrs. Baird, Messrs. Hager,
Catlin, Lind,
Crabb, Roach,
Coffroth, Wade,
De la Guerra, Walkup—11.
Foster,

Mr. Walton moved that the Senate adjourn, and before taking the question on the third reading of the bill, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, March 17, 1853.

Senate met pursuant to adjournment.
President, *pro tem.*, in the chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Wednesday was read and approved.
Mr. Crabb presented a letter from J. K. Shafer, Esq., Mayor of the city

of Stockton, proposing to donate to the State, on behalf of the city, one hundred acres of land for the location of an Insane Asylum and Hospital in that city, and moved its reference to the Committee on State Hospitals.

It was read and so referred, with the resolution of the City Council accompanying it.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to fund the debt of the county of Los Angeles, and to provide for the payment thereof," with the exception of an omission in the third line of section nine, of the words, "of the assessment," which they corrected.

Report adopted.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, to whom was referred the proposition of the extension of the city front of San Francisco, submitted a report, which was read and accepted. (See Appendix No. 41.)

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported as correct the account of Lyman Leslie, Postmaster at Vallejo, for letters and papers to the Senate, two hundred and four dollars and eighty-seven cents.

Also, the account of Lewis Callish, twenty-four dollars and fifty cents, and asked the concurrence of the Senate on the same.

The report was adopted and the accounts ordered paid.

Mr. Hager, Chairman of the Committee on Corporations, reported back, with amendments, Senate bill for "An Act to provide for the formation of corporations for commercial purposes," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Lott submitted the following report. (See Appendix No. 42.)

Mr. Lott, on behalf of the committees, also asked further time for them to act upon that portion of the Surveyor General's Report as relates to the expenditures in the compilation of the State Map.

Which was granted.

Mr. Lott, from those committees, reported a bill for "An Act to provide for the publication and distribution of the official Map of the State."

Which was read a first and second time.

When Mr. Crabb moved its reference to the Committee on Public Printing.

Which was agreed to.

Mr. Hubbs presented the memorial of James Birney, and moved its reference to the Committee on Indian Affairs. (See Appendix No. 43.)

Which was agreed to.

Mr. Lott offered the following resolution:

Resolved, That the same per diem as is allowed by law to a Senator, be allowed to the Chaplain of the Senate, and the President of the Senate to certify the same to the Comptroller of State.

Adopted.

On motion of Mr. Wombough, the Senate proceeded to the consideration of "An Act to enforce the collection of taxes in certain cases."

Mr. Hager offered a substitute to the bill.

Mr. Smith moved to amend the substitute.

Mr. Lind in the chair.

Mr. Hager moved to refer the bill to the Judiciary Committee, with instructions to report the same back to-morrow.

On which Messrs. Wombough, Lyons and Hubbs demanded the ayes and nays, and the motion was lost by the following result:

AYES.

Messrs.	Baird,	Roach,
	Crabb,	Smith,
	Hager,	Wade—7.
	Ralston,	

NAYS.

Messrs.	Coffroth,	Messrs. Lott,
	De la Guerra,	Lyons,
	Hubbs,	Sprague,
	Hudspeth,	Walkup,
	Keene,	Walton,
	Kurtz,	Wombough—13.
	Lind,	

The question then recurring on the motion of Mr. Hager, to strike out all after the enacting clause in the bill and insert the substitute, Mr. Hubbs called for a division of the motion, and the vote was first taken on striking out, with the following result—the ayes and nays being demanded by Messrs. Wombough, Hubbs and Smith:

AYES.

Messrs.	Baird,	Messrs. Ralston,
	Crabb,	Smith,
	Hager,	Wade—6.

NAYS.

Messrs.	Coffroth,	Messrs. Lott,
	De la Guerra,	Lyons,
	Hubbs,	Roach,
	Hudspeth,	Sprague,
	Keene,	Walkup,
	Kurtz,	Walton,
	Lind,	Wombough—14.

So the motion to strike out was lost.

Mr. Walton moved to amend the bill by striking out the word "Gov-

ernor," in the third line of section first, and inserting "Sheriff;" and strike out the word "Agent," in the fourth line, and insert "Deputy."

Which was agreed to.

On motion of Mr. Walton, the bill was referred to the Senator from Yolo, with instructions to make it conform to the foregoing amendment.

The following message was received from the Governor:

Executive Department,
Benicia, March 16, 1853.

To the Senate of California:

On the 15th instant, I approved "An Act entitled an Act to authorize the appointment of a book-keeper to the Comptroller of State, and temporary clerk in the department of Treasurer of State and to provide for their payment."

In this connection, however, I deem it proper to direct your attention to the fact that this Act not only authorizes the employment of additional clerks in the offices of Comptroller of State and Treasurer of State, but also allows all the clerks employed in these offices compensation at the rate of three thousand two hundred and forty dollars per annum, commencing on the first day of June, 1852, being seven hundred and forty dollars per annum more than is now paid the clerk in the office of Secretary of State. The clerical labor performed in the office of the Secretary of State, I am well assured, is equally onerous and important, and its increase has been as great as in the other State offices.

This bill, it is true, increases considerably the demands upon the State Treasury, but the Comptroller and Treasurer having, in communications addressed to the Legislature, recommended an increase in the number, as well as the compensation of the clerks in their offices, I have not felt authorized to withhold my approval.

(Signed) JOHN BIGLER.

Mr. Hubbs, on leave, introduced a bill for "An Act in relation to clerks in the office of the Secretary of State, and to provide for their pay."

Which was read twice, and referred, on motion of Mr. Walton, to the Committee on Federal Relations.

Mr. Crabb, from the Committee on Education and State Library, reported back Assembly Joint Resolution relative to the Law Library at the city of San Francisco, and recommended its passage, with amendments.

Report accepted.

A message was received, informing the Senate that the Assembly passed on yesterday a bill for "An Act supplementary to an Act to incorporate the city of Los Angeles," passed April 4th, 1850; and a bill for

"An Act to enforce the payment of licenses in this State."

Assembly bill for "An Act supplementary to an Act to incorporate the city of Los Angeles," was read twice, and referred, on motion of Mr. Lott, to the Committee on Corporations.

Assembly bill for "An Act to enforce the payment of licenses in this

State," was read twice, and referred, on motion of Mr. Smith, to the Finance Committee.

Mr. Coffroth gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an Act to exempt firemen from militia service and jury duty.

A bill for an Act concerning Notaries Public, was read the second time, and referred to the Judiciary Committee on motion of Mr. Lott.

A bill for an Act to provide a library for the Supreme Court, was read the second time, and referred, on motion of Mr. Hubbs, to the Judiciary Committee.

Mr. Hubbs gave notice that he would, on to-morrow, ask leave to introduce a bill for "An Act supplemental to an Act to regulate Elections," passed March 23, 1850.

Mr. Lott moved to take from the table "An Act to amend an Act creating and regulating Public Ferries," passed March 18th, 1850.

Agreed to.

On motion of Mr. Lott, the amendments reported by the Committee on Commerce and Navigation to the bill, were concurred in.

Mr. Walton moved to insert the word "Monterey," after the word "San Francisco."

Which was agreed to.

Mr. Crabb moved to amend the bill, by inserting after the word Monterey, "or any other bay, or any straits, or any arm of the sea within the limits of the State."

On which Messrs. Crabb, Smith and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hudspeth,
Crabb,	Lyons,
Coffroth,	Roach,
De la Guerra,	Smith,
Foster,	Wade,
Hager,	Walton—13.
Hubbs,	

NAYS.

Messrs. Keene,	Messrs. Ralston,
Lind,	Walkup—5.
Lott,	

So the amendment was agreed to.

Mr. Sprague was excused from voting.

Mr. Hubbs moved a re-consideration of the vote just taken.

Mr. Coffroth moved to lay the motion to re-consider on the table.

Which was agreed to.

On motion of Mr. Coffroth, the Senate went into committee of the whole,

and took under consideration "An Act to provide for the incorporation of Railroad Companies," Mr. Lott in the chair, and having considered the same, and made sundry amendments thereto,

On motion of Mr. Walton, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

Mr. Hager moved a call of the Senate, which was sustained, and Messrs. De la Guerra, Estill, Foster, Gruwell, Keene, Kurtz, Lind, McKibben, Ralston, Roach, and Smith were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Sprague moved that further proceedings under the call be suspended.

Which was lost.

Messrs. Lind and De la Guerra appeared and were admitted.

Mr. Sprague moved to dispense with further proceedings under the call.

Lost.

Mr. Sprague again moved that the call be suspended.

Lost.

Mr. Smith appeared and was admitted.

Mr. Coffroth moved a suspension of the call.

Lost.

Some time having elapsed,

On motion of Mr. Coffroth, the call was suspended.

Mr. Sprague moved to adjourn.

Mr. Coffroth moved to amend, that the Senate take a recess until 7 P. M.

The Chair ruled that the question must first be taken on the longest time.

And the ayes and nays being demanded by Messrs. Coffroth, Hubbs and Baird, the Senate refused to adjourn by the following vote:

AYES.

Messrs. Lind, Lott, Smith, Wade, Wombough—5.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Hager, Hubbs, Hudspeth, Lyons, Walkup—9.

The question recurring on the motion to take a recess until 7 P. M.

The ayes and nays were demanded by Messrs. Hager, De la Guerra and Coffroth, and the motion was lost by the following vote:

AYES.

Messrs. Crabb, Coffroth, De la Guerra, Hager, Hubbs, Walkup—.6

NAYS.

Messrs. Baird, Hudspeth, Lind, Lott, Lyons, Smith, Wade, Wombough—8.

Mr. Lind moved that the Senate adjourn.

On which Messrs. Coffroth, Kurtz and Roach demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Hudspeth, Keene, Lind, Lott, Lyons, Wade, Wombough—7.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Hager, Kurtz, Roach, Smith, Walkup—9.

On motion of Mr. Hager, the Senate went into committee of the whole, and proceeded to the consideration of a bill for "An Act to provide for the incorporation of Railroad Companies," and having considered the same,

On motion of Mr. Coffroth, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

On motion of Mr. Hager, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Friday, March 18, 1853.

Senate met pursuant to adjournment.

President pro tem., in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read, corrected, and approved.

Mr. Hubbs in the chair.

Mr. Coffroth presented the petition of certain residents of the State of California, for the enactment of a law which shall combine the principles of the Maine liquor law, and moved its reference to the Committee on Public Vice and Immorality.

The petition was read, when Mr. Sprague moved that it be referred to the Committee on Federal Relations.

Not agreed to.

The petition was then referred to the Committee on Public Vice and Immorality.

Mr. Keene presented a memorial from residents of Placerville, El Dorado County, praying the passage of a law for the better observance of the Sabbath, and moved its reference to the Committee on Public Vice and Immorality.

Which was agreed to.

Mr. Keene also presented the memorial of citizens of the same place, praying the passage of a law closing all places of business on Sundays, and moved its reference to the same committee.

Agreed to.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act relative to Port Wardens in San Francisco and Sacramento, and other ports of California."

Report adopted.

Mr. Keene, Chairman of the Committee on State Hospitals, submitted a report.

Which was read and accepted.

Mr. Crabb moved that two hundred and forty copies of the report be printed.

Which was agreed to. (See Appendix No. 44.)

The bill reported back by the committee was laid upon the table.

Mr. Ralston presented the petition of C. E. Pickett, for relief, and moved its reference to the Committee on State Hospitals.

The petition was read, and so referred. (See Appendix No. 45.)

Mr. Ralston, Chairman of the Committee on the Judiciary, reported back Senate bill for "An Act to define the jurisdiction of counties separated by rivers and water courses," and recommended its passage without amendment.

The report was adopted, the bill considered engrossed, read a third time, and passed.

Mr. Wombough submitted the following report:

Mr. President:

The Committee to whom was referred "An Act to enforce the Collection of Taxes in certain cases," with instructions to make the bill "conform to an amendment made to the first section," report:

That the peculiarity of the bill referred, together with the nature of the instructions, render it necessary for your committee to remodel the last four sections of the bill in question. In order, therefore, to make the Act intelligible, your committee present for your consideration a substitute, embracing the instructions of the Senate, and recommend its passage.

Respectfully submitted,

M. M. WOMBOUGH.

The report was accepted, and laid upon the table.

Mr. Baird, for Mr. Catlin, from the committee to whom was referred that part of the Governor's message relating to the extension of the water front of the city of San Francisco, together with numerous petitions and memorials of citizens, and of the corporate authorities of said city, relating to the same subject, submitted a report. (Appendix, 41.)

Which was read and accepted; and on motion of Mr. Coffroth, laid upon the table for the present.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred the message of his Excellency the Governor, transmitting a deed of the Mayor of the City of Benicia to the State of California, for the State House in the City of Benicia, reported the same back, and recommended the adoption of the following concurrent resolution:

Resolved, By the Senate, (the Assembly concurring,) that the deed of conveyance made by David M. Fraser, Mayor of the City of Benicia, for and on behalf of said city, to John Bigler, Governor of the State of California, and his successors in office, for the use of the State of California, for a certain lot of ground in the City of Benicia, (it being the same on which the State House now in use is situated,) be and the same is hereby approved, and accepted on the part of the State.

On motion of Mr. Lyons, the report was adopted.

And the resolution passed.

Mr. Lind, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

"An Act to amend an Act passed 15th March, 1851, entitled an Act to provide for the Translation of the Laws into the Spanish Language; and also, to amend an Act passed April 24th, 1852, of the same title."

Report adopted.

Mr. Lyons submitted the following resolution:

Resolved, By the Senate, (the Assembly concurring,) that the select committee to whom was referred the apportioning of the State of Cali-

fornia into Senatorial and Assembly districts, be instructed to report a bill thereon to the Senate, on or before the 24th inst.

Adopted.

On motion of Mr. Coffroth, the unfinished business of yesterday was laid upon the table for the present.

Mr. Wombough moved to take from the table "An Act to enforce the Collection of Taxes in certain cases."

Which was agreed to.

The substitute with the same title, reported by Mr. Wombough, was adopted, read a third time, and passed.

On motion of Mr. Roach, the Senate took under consideration Senate bill for "An Act to amend an Act entitled an Act concerning Foreigners arriving in the Ports of the State of California."

The report of the Committee on Commerce and Navigation was then read.

On motion of Mr. Coffroth, section one was amended by striking out "$250," and inserting "$200."

On motion of Mr. Lott, the amendments reported by the committee were concurred in, and the bill ordered engrossed for a third reading.

Senate bill for "An Act to repeal an Act to provide for the appointment of a Gauger for the Port of San Francisco," passed May 3d, 1852, was taken under consideration.

Mr. Crabb moved that the bill be engrossed for a third reading.

Mr. Lind in the chair.

Messrs. Hubbs, Lyons and Ralston, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Snyder,
Foster,	Wade,
Hager,	Walkup—13.
Hudspeth	

NAYS.

Messrs. Hubbs,	Messrs. Lyons,
Keene,	Sprague,
Lind,	Walton,
Lott,	Wombough—8.

So the bill was ordered engrossed for a third reading.

A message was received informing the Senate that the Assembly this day passed Senate bill for "An Act to explain an Act in relation to the

Supplies of Fuel, and other Contingent Expenses of the Legislature," approved 27th January, 1853.

On motion of Mr. Coffroth, the Senate went into Committee of the Whole, (Mr. Lott in the chair,) and took under consideration Senate bill for "An Act to provide for the Incorporation of Railroad Companies;" and having considered the same, and made sundry amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported progress, and asked leave to sit again; which was granted.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to explain an Act in relation to the Supplies of Fuel and other Contingent Expenses of the Legislature," approved 27th Juauary, 1853.

Report adopted.

Mr. Coffroth moved to take a recess until seven o'clock, P. M.

Mr. Lind moved to adjourn.

And the question being first taken on the motion to adjourn, the ayes and nays were demanded by Messrs. Lind, Coffroth and De la Guerra.

And the Senate refused to adjourn by the following vote:

AYES.

Messrs. Keene,	Messrs. Lind,
Kurtz,	Lott—4.

NAYS.

Messrs. Crabb,	Messrs. Hudspeth,
Coffroth,	Lyons,
De la Guerra,	Smith,
Foster,	Sprague,
Hager,	Walkup—11.
Hubbs,	

The question recurring on the motion to take a recess until 7, P. M. it was agreed to.

EVENING SESSION.

Senate re-assembled at 7, P. M., and was called to order by the President, pro tem.

On motion of Mr. Coffroth, a call of the Senate was ordered.

A quorum being present the call was suspended.

The Senate then, on motion of Mr. Coffroth, went into committee of the whole, (Mr. Lott in the chair,) and took under consideration Senate bill for "An Act to provide for the Incorporation of Railroad Companies," and having considered the same, and made sundry amendments thereto,

On motion of Mr. Lind, the committee rose and reported back to the

Senate, and were discharged from the further consideration of the same.

Mr. Coffroth moved that the amendments be concurred in, and the bill ordered engrossed for a third reading.

Which was agreed to.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, March 19, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "An Act to amend the seventh section of an Act to prohibit the erection of Weirs, or other obstructions to the run of Salmon," approved April 12, 1852.

Also "An Act establishing the Seat of Justice of the county of Butte, and amending the twenty-first section of an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein," passed April 25, 1851.

Report adopted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, Senate Concurrent Resolution instructing the select committee to report a bill for the districting of the State.

Report adopted.

Mr. Wombough asked ten days' leave of absence for Mr. De la Guerra.

Which was granted.

On motion of Mr. Roach, Mr. Crabb was granted leave of absence.

Mr. Walton, on leave, offered a resolution providing that the sessions of the Senate shall commence each day, at 10 A. M., and that a recess shall be had from two until seven o'clock, P. M.

Mr. Lyons moved to lay the resolution upon the table.

On which Messrs. Coffroth, Wade and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Hubbs, Kurtz, Lind, Lott, Lyons, Smith, Wade, Wombough—8.

NAYS.

Messrs. Coffroth, Foster, Hager, Hudspeth, Ralston, Roach, Snyder, Sprague, Walkup, Walton—10.

So the resolution was not laid upon the table.

Mr. Walton then submitted the following substitute to the resolution:

That until otherwise ordered, the sessions of the Senate shall commence each day at ten o'clock, A. M.

Which was lost by the following vote; there not being two-thirds in favor of the substitute:

AYES.

Messrs. Coffroth, Foster, Hager, Hubbs, Hudspeth, Ralston, Roach, Snyder, Sprague, Walkup, Walton, Wombough—12.

NAYS.

Messrs. Estill, Kurtz, Lind, Lott, Lyons, Smith, Wade, President—8.

Mr. Walton gave notice, that on Monday, he would introduce a resolution to amend Senate standing rule thirty-two, so as to make the hour of meeting ten o'clock.

Mr. Ralston, Chairman of the Judiciary Committee, reported back, with amendments, Assembly bill for "An Act to ascertain the indebtedness of the county of Mariposa," and recommended its passage.

The report was adopted, the amendments concurred in, on motion of Mr. Ralston, and the bill read a third time and passed.

Mr. Smith, on leave, introduced a Joint Resolution in relation to the Civil Fund.

Which was read the first and second time, and referred,

On motion of Mr. Lott, to the Committee on Federal Relations.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act concerning Passengers arriving in the ports of the State of California."

A bill for "An Act to define the Jurisdiction of Counties separated by water courses."

"An Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco," passed May 3, 1852;

And "Concurrent Resolution in relation to the deed of the Mayor of the city of Benicia to the State of California of a certain lot of ground in the city of Benicia."

Report adopted.

Mr. Hager was granted the unanimous consent of the Senate, to introduce an amendment to Senate bill for "An Act to provide for the incorporation of Railroad Companies," (ordered engrossed for a third reading yesterday,) and the amendment (to the last section) was adopted, and ordered to be engrossed with the bill.

Mr. Wombough gave notice that he would, at an early day, introduce a bill to prescribe the mode of applying for Pardons.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back, verbally, for the consideration of the Senate, Assembly Concurrent Resolution authorizing the Governor to forward to J. C. G. Kennedy, Superintendent of Census at Washington city, the original census abstracts and reports of the census of this State.

And also Senate Joint Resolution for the same purpose, with the message of the Governor, and the communication from Mr. Kennedy accompanying it.

The report was accepted and laid upon the table.

On motion of Mr. Wombough, the Committee on Claims was instructed to report to the Senate, on Wednesday next, the claim of Dr. Hart for medical services rendered the emigrants.

A message was received, informing the Senate that the Assembly concurred yesterday in Senate amendment to Assembly bill for "An Act establishing the Seat of Justice of the county of Butte, and amending the twenty-first section of an Act dividing the State into counties and establishing Seats of Justice therein," passed April 25th, 1851;

And concurred in Senate amendment to Assembly bill for "An Act to amend the seventh section of an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon;"

And in Senate amendments to Assembly bill for "An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and to provide for its organization;"

And passed Assembly bill for "An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof;"

And Assembly Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of this State;

And passed, this day, Assembly bill for "An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges."

Assembly bill for "An Act to provide for the Protection of Foreigners, and to define their liabilities and privileges," was read twice, and referred,

On motion of Mr. Hubbs, to the Committee on Mines and Mining Interests.

Assembly bill for "An Act to provide for the compilation and publication of the Laws of the State of California and the payment thrreof;" was read twice, when

Mr. Lyons moved its reference to the Committee on the Judiciary.

Mr. Coffroth moved to refer it to the Committee on Public Printing.

Which was lost.

The question was taken on the reference to the Judiciary Committee, and it was agreed to.

Assembly Joint Resolution "in relation to the establishment of Post Offices and Mail Routes in the northern part of the State," was read twice, and referred,

On motion of Mr. Lott, to the Committee on Federal Relations.

Mr. Hubbs, Chairman of the Committee on Finance, reported back, without amendment, Assembly bill for "An Act to enforce the payment of Licenses in this State," and recommended its passage.

The report was accepted, when

Mr. Hager moved the re-commitment of the bill to the Judiciary Committee.

Mr. Hubbs moved to amend, by adding instructions that the committee report back on Monday.

Which was agreed to, and the bill so re-committed.

Senate bill for "An Act to regulate fees in office," was read a second time, when

Mr. Wombough moved its reference to the Committee on Finance.

Mr. Lyons moved to amend by referring it to the Judiciary Committee.

Which was agreed to.

Mr. Foster, Chairman of the Committee on Public Printing, reported back, without amendment, Senate bill for "An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General," and recommend its passage.

Mr. Hubbs in the chair.

The report was accepted, when

Mr. Walton moved to lay the bill upon the table.

On which Messrs. Lyons, Wombough and Walton demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Hager,	Roach,
Hudspeth,	Sprague,
Keene,	Walton—8.

NAYS.

Messrs. Foster, Hubbs, Kurtz, Lind, Lott, Lyons, Smith, Snyder, Wade, Walkup, Wombough—11.

Mr. Hager moved its reference to a select committee, with instructions.

Which was not agreed to.

Mr. Keene, on leave, gave notice that, on Monday next, he would introduce a resolution to amend the thirty-second standing rule of the Senate.

Mr. Hager moved to adjourn.

On which Messrs. Foster, Lyons and Lind demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster, Hager, Hudspeth, Keene, Lott, Ralston, Smith, Snyder, Wade, Wombough—10.

NAYS.

Messrs. Hubbs, Kurtz, Lind, Lyons, Roach, Sprague, Walkup, Walton—8.

So the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, March 21, 1853.

Senate met pursuant to adjournment.

President *pro tem.* in the chair.

There being no quorum present, Mr. Lyons moved that the Senate adjourn until 7 o'clock, P. M., which was agreed to.

EVENING SESSION.

7 O'CLOCK, P. M.

President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Saturday was read and approved.

Mr. Walton presented three memorials from residents of Coloma, El Dorado county, praying the Legislature to pass a law for the better observance of the Sabbath, and moved their reference to the Committee on Public Vice and Immorality.

Agreed to.

Mr. Hubbs presented the remonstrance of merchants and liquor dealers of San Francisco against the passage of a bill for the repeal of "An Act to provide for the appointment of a Gauger of the port of San Francisco."

Which was read and laid upon the table.

Mr. Hubbs, Chairman of the Committee on Finance, reported by direction of the Committee, a bill for "An Act to provide a Revenue for the support of the government of this State."

Which was read the first time and ordered printed, under the rule, and that the printing take precedence of all other printing now ordered.

Mr. Lind, from the Joint Committee on Enrollment, reported that the Committee had this day presented to the Governor, for his approval, "An Act to fund the debt of the county of Los Angeles, and provide for the payment thereof."

"An Act relative to Port Wardens in San Francisco, Sacramento and other ports of California."

An Act to explain "An Act in relation to the supplies of fuel and other contingent expenses of the Legislature," approved January 27, 1853.

An Act to amend an Act passed 15th March, 1851, entitled "An Act to provide for the translation of the Laws into the Spanish language, and also to amend An Act passed April 24, 1852, of the same title.

An Act to amend the seventh section of "An Act to prohibit the erection of Wiers or other obstructions to the run of Salmon," approved April 12, 1852. And

"An Act establishing the Seat of Justice of the county of Butte."

And amending the twenty-first section of an Act entitled "An Act dividing the State into counties, and establishing the Seat of Justice therein," passed April 25, 1851.

Report adopted.

Mr. Hubbs, on leave, introduced a bill for an Act supplemental to "An Act to regulate Elections," passed March 23, 1850, which was read the first time and ordered printed, under the rule.

Senate bill for an Act to amend an Act entitled "An Act concerning Foreigners arriving in the ports of the State of California," was read a third time and passed.

The unfinished business of Saturday being "An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General," was taken under consideration, and the question being "Shall the bill be engrossed and read a third time?"

Mr. Sprague moved to amend the second section by adding a proviso:

That the said William M. Eddy shall enter into bond in the sum of ten thousand dollars, with sufficient sureties to the acceptance of the Government, conditioned for the faithful observance of the provisions of this Act; on which Messrs. Kurtz, Lind and Crabb demanded the ayes and nays, and the proviso was lost by the following vote:

AYES.

Messrs. Crabb,	Messrs. Sprague,
Estill,	Walton—4.

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Foster,	McKibben,
Hubbs,	Roach,
Keene,	Snyder,
Kurtz,	Walkup,
Lind,	Wombough—14.

The question then recurring on the engrossment for a third reading, the ayes and nays were demanded by Messrs. Wombough, Crabb and Kurtz, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Estill,	McKibben,
Foster,	Snyder,
Hubbs,	Walkup,
Kurtz,	Wombough—12.

NAYS.

Messrs. Crabb, Keene, Roach, Messrs. Sprague, Walton—5.

So the bill was ordered engrossed for a third reading.

Mr. Estill gave notice that he would, on to morrow, introduce a bill for An Act for the relief of Capt. Daniel Aldrich's Company of Volunteers, called out by order of Governor McDougal, in the year 1851.

Mr. Hubbs moved that Senate bill for "An Act in relation to the Revenue for the fiscal year 1853—4," be made the special order of the day for Wednesday, 23d inst.

Which was agreed to.

Mr. Mckibben presented the petition of citizens of Foster's Bar and vicinity, Yuba county, praying an appropriation of two thousand dollars, to assist in building the Foster's Bar Hospital.

Which was read and referred, on motion of Mr. McKibbin, to the Committee on State Hospitals.

Mr. Sprague introduced a resolution requesting the Secretary of State to furnish to the Senate, as early as practicable, an abstract of the number of inhabitants of each county of this State who are natives of Asia, or of any of the islands of the Pacific ocean, as appears by the original census returns of the year 1852, now on file in his office; and that for the purpose of preparing and furnishing such abstract as early as on the 25th inst., the Secretary of State is hereby authorized to employ such additional clerk service as may be necessary.

Adopted.

Mr. Walton, Chairman of the Committee on Mines and Mining Interest, reported back with amendments, Assembly bill for "An Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

The report was adopted and the amendments of the Committee concurred in.

On motion of Mr. Sprague, section fourteen was amended; when

Mr. Lind moved that the amendments be engrossed.

Which was agreed to.

On motion of Mr. Hubbs the select Committee to whom was referred the bill for an Act to ratify an ordinance of the City Council of Benicia, was instructed to report to the Senate on Thursday next.

On motion of Mr. Foster, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Tuesday, March 22, 1853.

Senate met pursuant to adjournment.

President, *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General.

Report adopted.

A message was received, informing the Senate that the Assembly, on the 19th instant, passed a bill for "An Act for the relief of E. G. Baker, tinsmith of San Francisco;" and concurred, on the 21st instant, in Senate amendment to Assembly bill for

"An Act to ascertain the indebtedness of El Dorado and Mariposa counties."

Assembly bill for "An Act for the relief of E. G. Baker, tinsmith of San Francisco," was read twice and referred, on motion of Mr. Walton, to the Committee on Claims, with instructions to change the title of the bill.

Mr. Sprague, Chairman of the Committee on Indian Affairs, reported back, without amendment, Senate bill for "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of Volunteer Rangers, under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the northeastern frontier."

The report was accepted; and,

On motion of Mr. Foster, the Senate proceeded to the consideration of the bill.

Mr. Lott moved that the bill be recommitted to the same committee, with instructions to report upon all unsettled war claims of this State.

On which Messrs. Sprague, Lind and Hubbs demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Estill, Lind, Lott, Snyder, Walkup, Walton, Wombough—7.

NAYS.

Messrs. Catlin, Crabb, Lyons, McKibben,

Messrs. Hubbs,
Keene,
Kurtz,
Messrs. Roach,
Sprague,
Wade—10.

The question then being, "Shall the bill be engrossed and read a third time?" the ayes and nays were demanded by Messrs. Sprague, Wombough and Wade, with the following result:

AYES.

Messrs. Catlin,
Crabb,
Hubbs,
Keene,
Kurtz,
Messrs. Lyons,
Sprague,
Wade,
Walton—9.

NAYS.

Messrs. Estill,
Lind,
Lott,
McKibben,
Messrs. Roach,
Snyder,
Walkup,
Wombough—8.

So the bill was ordered engrossed for a third reading.

Mr. Wombough presented the account of George Dingley, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed Senate amendments to Assembly bill for "An Act to provide for the protection of Foreigns and to define their liabilities and privileges."

Report adopted.

Mr. Lyons in the chair.

Mr. Keene submitted the following report. (See Appendix No. 46.)

The memorial, on motion of Mr. Keene, was adopted.

A message was received from the Governor, informing the Senate that he approved, on the 19th instant,

"An Act to fund the debt of the county of Los Angeles and to provide for the payment thereof;"

"An Act to explain an Act entitled an Act in relation to the supplies of fuel and other contingent expenses of the Legislature," approved January 27th, 1853;

"An Act to amend an Act passed 15th of March, 1851, entitled an Act to provide for the translation of the Laws into the Spanish language, and also to amend an Act passed April 24th, 1852, of the same title;"

"An Act relative to the Port Wardens of San Francisco and Sacramento and other ports of California."

Mr. Keene presented the petition of J. C. Johnson of El Dorado county,

praying that a duplicate war loan bond might be issued to him for one lost, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Keene also presented the memorial of citizens of Placerville and vicinity, for a charter for a road over Oregon Hill, El Dorado county, and moved its reference to the Committee on Roads and Highways.

Agreed to.

Mr. Keene also presented the petition of Edward H. Evans, James W. Orr and Thomas M. Killpatrick, for the passage of a law authorizing them to build a toll bridge across Weber Creek, on the road leading from Sacramento city to Placerville, El Dorado county.

Which was referred to the same committee.

On motion of Mr. Lott, Senate bill for "An Act to amend an Act creating and regulating Public Ferries," passed March 18th, 1850, was taken under consideration.

Mr. Lott moved to strike out of the amendment, pending at the time of adjournment on the 17th instant, the words, "or any straits."

Which was agreed to; and the amendment was then adopted.

Mr. Snyder moved to amend by adding the following proviso to section one:

"That nothing in this Act shall be so construed as to affect any ferry now established, or which may be hereafter established, on the Straits of Carquinez, between Mare Island and Navy Point."

Which was adopted, and the bill ordered engrossed for a third reading.

Mr. Hubbs, from the Committee on Contingent Expenses, reported as correct the account of E. W. Crowell, for articles furnished the Senate, $461 93.

The report was adopted and the account ordered paid.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to prescribe the mode of applying for pardons."

Which was read the first time and ordered printed under the rule.

Mr. Keene moved that the Senate proceed to the consideration of Senate bill for "An Act to establish an Asylum for the Insane of the State of California."

Which was agreed to.

On motion of Mr. Crabb, the bill was again laid upon the table.

Mr. Walton, pursuant to notice, offered the following resolution:

Resolved, That Rule thirty-two be so changed as to read "ten," instead of "eleven" o'clock.

Mr. Lind moved a call of the Senate, which was sustained, and Messrs. Coffroth, Hager, Hudspeth, Roach, Smith, Snyder and Wombough were absent.

Mr. Wombough appeared and was admitted.

Mr. Walton moved a suspension of the call.

Lost.

Mr. Roach appeared and was admitted.

Mr. Wade moved that further proceedings under the call be suspended.

On which Messrs. Sprague, Keene and Hubbs demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	McKibben,
Crabb,	Roach,
Estill,	Sprague,
Keene,	Wade,
Kurtz,	Walkup—12.

NAYS.

Messrs. Foster,	Messrs. Lott,
Hubbs,	Wombough—5.
Lind,	

The question recurring on the adoption of the resolution, it was lost by the following vote—it requiring a two-thirds vote to adopt:

AYES.

Messrs. Crabb,	Messrs. Roach,
Foster,	Sprague,
Hubbs,	Walkup,
Keene,	Walton—9.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	McKibben,
Estill,	Wade,
Kurtz,	Wombough—9.
Lind,	

Mr. Walton gave notice that he would, on to-morrow, introduce a similar resolution.

Mr. Keene moved, that when the Senate adjourns, it will meet to-morrow at ten o'clock, A. M.

Which was agreed to.

Mr. Foster gave notice that on to-morrow, or an early day thereafter, he would introduce a bill for "An Act to fix the compensation of County Judges and of Associate Justices of the Courts of Sessions, and to repeal a similar Act passed April 22d, 1850."

Mr. Foster moved to adjourn.

On which Messrs. Wombough, Kurtz and Foster demanded the ayes and nays, and the Senate adjourned by the following vote:

AYES.

Messrs. Baird, Catlin, Foster, Keene, Kurtz, Lyons, Roach, Sprague, Wade, Walkup, Walton—11.

NAYS.

Messrs. Estill, Hubbs, Lind, Lott, McKibben, Wombough—6.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Wednesday, March 23, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Coffroth presented the petition of citizens of Tuolumne county, praying the Legislature to pass such laws as will protect the Quartz Miners from trespass from the Placer Miners; and moved its reference to the Committee on Mines and Mining interests.

It was read and so referred.

Mr. Lott, Chairman of the Committee on Claims, reported back, for the consideration of the Senate, the petition and claim of A. G. Hart, M. D., for services rendered sick emigrants.

The report was accepted and laid upon the table.

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported as correct, the accounts of E. W. Crowell, amounting to one thousand and sixty dollars and nineteen cents.

On motion of Mr. Hubbs, the report was adopted and the accounts ordered paid.

Mr Hager presented the petition of the President and Directors of the "Mercantile Library Association of San Francisco," requesting the Legislature to grant a section of land, to advance the objects of the Association.

Which was read and referred to the Committee on Education.

Mr. Snyder, Chairman of the Committee on State Prison and Public Buildings, to whom was referred Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void, the existing State Prison Contract;" reported the same back. for the consideration of the Senate, with the statement that the Committee have had the bill under consideration, since January last, hoping that the Committee of Investigation, appointed to inquire into the matters relative to the Act passed last year for building a State Prison, would report, and give this Committee the benefit of their labors; but this has not been done, and the Committee therefore report the bill back to the Senate.

The report was accepted, and

On motion of Mr. Crabb, the bill was made the special order for Tuesday next.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly Engrossed, "An Act to enforce the collection of taxes in certain cases."

Report adopted.

Mr. Lott asked leave of absence for Mr. Roach, during the Easter holidays.

Granted.

Mr. Snyder introduced the following resolution:

Resolved, By the Senate, the Assembly concurring, that the Legislature adjourn *sine die*, on the 15th day of April next.

Adopted.

On motion of Mr. Walton, the Senate proceeded to the consideration of Assembly bill for "An Act to provide for the protection of foreigners, and to defend their liabilities and privileges."

The bill was read a third time, and passed.

Mr. Ralston, on leave, introduced a bill for "An Act to amend an Act defining the rights of husband and wife;" passed on 17th April, 1850.

Which was read the first and second time, and referred, on motion of Mr. Ralston, to the Committee on the Judiciary.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers under Captain B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier.

Report adopted.

The bill was read a third time, and the question being "Shall the bill be now passed?"

Mr. Sprague moved a call of the Senate.

Which was sustained, and Messrs. Crabb, Smith and Wade, were absent.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

Mr. Keene moved a temporary suspension of the call, in order to consider the message from the Assembly.

Which was agreed to.

A message was received informing the Senate that the Assembly, on yesterday, passed a bill for "An Act to amend an Act defining the time for commencing Civil actions."

Also, "An Act to exempt Firemen from Militia service and Jury duty."

Assembly bill for "An Act to amend an Act defining the time of commencing Civil actions," was read twice, and

Referred, on motion of Mr. Keene, to the Judiciary Committee.

Assembly bill for "An Act to exempt Firemen from Militia service and Jury duty," was read twice, and

Referred, on motion of Mr. Lott, to the Committee on the Judiciary.

Mr. Smith appeared, and was excused from the action of the call.

The Sergeant-at Arms returned, and reported Mr. Wade sick.

Mr. McKibben moved that further proceedings under the call be suspended.

Which was agreed to.

The question recurring on the passage of the bill,

The ayes and nays were demanded by Messrs. Lott, Lyons and Lind, with the following result:

AYES.

Messrs. Catlin,	Messrs. Kurtz,
Crabb,	Ralston,
Coffroth,	Smith,
Estill,	Sprague,
Hubbs,	Walton,
Keene,	President—12.

NAYS.

Messrs. Baird,	Messrs. Lyons,
Foster,	McKibben,
Hager,	Snyder,
Hudspeth,	Walkup,
Lind,	Wombough—11.
Lott,	

So the bill was passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act supplementary to an Act creating and regulating Public Ferries," passed March 18th, 1850.

On motion of Mr. Wombough, the Secretary of the Senate was directed to prepare, and have printed for the use of the members, a statement of the unfinished business of the Senate.

Mr. Ralston moved that Senate bill for "An Act concerning Sureties on Official Bonds," be taken from the table.

Agreed to.

On motion of Mr. Hubbs, the bill was referred to the Judiciary Committee.

On motion of Mr. Hubbs, the Senate went into Committee of the Whole, (Mr. Foster in the chair,) and took under consideration the special order of the day, being a bill for "An Act in relation to the Revenue for the fiscal year one thousand eight hundred and fifty-three and fifty four," and having made sundry amendments to the bill,

On motion of Mr. Hubbs, the committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Lyons in the chair.

Senate bill for "An Act supplementary to an act entitled an Act creating and regulating Public Ferries," passed March 18th, 1850, was read a third time and passed.

Mr. Kurtz moved that the Senate adjourn. Lost.

Mr. Hager moved to take from the table "An Act to provide for the formation of Corporations for certain purposes."

Agreed to.

On motion of Mr. Coffroth, the Senate went into Committee of the Whole, with Mr. Hubbs in the chair, and proceeded to the consideration of the bill, and having made sundry amendments thereto,

On motion or Mr. Smith, the committee rose, reported the bill back to the Senate, and were discharged from its further consideration.

Mr. Smith moved that the bill be ordered engrossed for a third reading.

Which was agreed to.

On motion of Mr. Snyder, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, March 24, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back Senate bill for "An Act for the relief of Immigrants travelling overland to California, with a substitute, and recommended its passage.

The report was accepted and laid upon the table.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back, without amendment, Assembly Joint Resolutions in relation to the establishment of Post Offices and Mail Routes in the northern part of the State, and recommended their passage.

The report was adopted, the resolutions read a third time and passed.

Mr. Smith, from the Committee on the Judiciary, reported back, without amendment, Assembly bill for "An Act to exempt Firemen from Militia service and Jury duty," and recommended its passage.

The report was adopted, the bill read a third time and passed.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back, with an amendment, Senate bill for "An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back, with an amendment, Assembly bill for "An Act for the relief of Beverly C. Saunders," and recommended its passage.

The report was concurred in, amending the title so as to read, "An Act to provide for the payment of B. C. Saunders for the charter of the steamer Quickstep," and the bill was read a third time, when

Mr. Catlin moved to lay it upon the table.

Lost.

On motion of Mr. Wade, the vote on the third reading was re-considered.

Mr. Hubbs moved to re-commit the bill to the Committee on Indian Affairs.

Mr. Kurtz moved to amend, by instructing the committee to consider the bill in connection with the bill relative to San Diego volunteers.

Lost.

Mr. Baird moved to lay the subject upon the table.

Lost.

Mr. Lott moved to amend the motion to refer to the Committee on Indian Affairs, by instructing the committee to report a bill of like import to that of the Siskiyou volunteer expedition, as regards the manner of payment.

Lost.

The question recurring on the motion to refer to the Committittee on Indian Affairs.

It was agreed to.

Mr. Coffroth, Chairman of the Select Committee, to whom was referred Senate bill for "An Act providing compensation to the reporter of the decisions of the Supreme Court, and the publication of the second volume of reports and the disposal thereof," reported the same back, with the unanimous recommendation of the committee, that it be indefinitely postponed.

The report was adopted, and the bill indefinitely postponed.

Mr. Gruwell, Chairman of the Committee on Public Vice and Immorality, submitted the following report. (See Appendix, No. 47.)

The report was accepted, and

On motion of Mr. Baird, one thousand copies were ordered printed.

Mr. Lyons, on leave, introduced a bill for "An Act concerning building lots, streets, and mill sites, upon public lands of the United States.

Which was read the first time, and ordered printed under the rule.

Mr. Gruwell gave notice that, on to-morrow, or some subsequent day, he would introduce a bill to provide for the better observance of the Sabbath.

Mr. Ralston offered a resolution, to appoint a select committee of five, to inquire into the expediency of reporting a memorial to Congress, asking a cession of all public lands in the State, to the State of California, with proper restrictions, so as to secure to all actual settlers a pre-emption right to the lands occupied by them, not exceeding one hundred and sixty acres to each, and so as to secure the freedom of the mines to American enterprise forever, without rent or impediment.

The resolution was adopted.

And the Chair announced as the committee, Messrs. Ralston, Foster, Estill, Wade and Keene.

Mr. Foster, agreeably to notice, introduced a bill for "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and repeal a like Act," passed April 22, 1850.

Which was read the first time, and ordered printed under the rule.

Senate bill for "An Act to prescribe the manner of applying for pardons, was read the second time, and referred,

On motion of Mr. Hubbs, to the Committee on the Judiciary.

Senate bill for an Act to provide revenue for the support of the government of this State, was read the second time, and

On motion of Mr. Hubbs, made the special order for Wednesday next, and every day thereafter until disposed of.

The President laid before the Senate the following communication from the Secretary of State. (See Appendix, No. 48.

On motion of Mr. Wombough, the communication and accompanying abstract were referred to the joint select committee on the apportioning of the Senatorial and Assembly districts of the State.

Mr. Smith moved to take from the table the claim of Dr. A. G. Hart, and the report of the Committee on Claims thereon.

Upon which Messrs. Wombough, Smith and McKibben demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Catlin, Kurtz, Lott, Lyons, McKibben, Ralston, Smith, Sprague, Wade, Wombough—10.

NAYS.

Messrs. Foster, Hager, Hubbs, Hudspeth, Keene, Lind, Snyder, Walkup, Walton—9.

Mr. Smith moved the reference of the claim and report to a select committee with instructions to report on Saturday.

Mr. Hager moved their reference to the Committee on Public Expenditure, with instructions to report a bill.

Which was agreed to.

A message was received, informing the Senate, that the Assembly passed, yesterday, Senate bill for "An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor General," with an amendment;

And Senate bill for "An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants.

On motion of Mr. Keene, Assembly amendment to the Act to provide for the publication of the official Map, &c., was concurred in.

Mr. Lott in the chair.

On motion of Mr. Hubbs, the Senate proceeded to the consideration of "An Act in relation to Clerks in the office of Secretary of State and to provide for their pay."

The amendment reported by the committee was concurred in, when

Mr. Hubbs moved a suspension of the rules, and that the bill be considered engrossed, and read a third time.

Which was not agreed to.

The bill was then ordered engrossed for a third reading.

The Chair announced that the time having arrived, the Senate would proceed to the consideration of the special order of the day, being Senate bill for "An Act requiring the electors to vote for or against calling a convention to revise and change the entire Constitution of this State," when

Mr. Snyder moved that the select committee to report amendments to the Constitution, be allowed further time to report.

Which was granted, and the whole subject again laid upon the table.

On motion of Mr. Hubbs, the Senate went into committee of the whole, Mr. Lott in the chair, and took under consideration a bill for "An Act in relation to the revenue for the fiscal year 1853–'4; and having considered the same for some time,

On motion of Mr. Hubbs, the committee rose and reported the bill back with a substitute.

Which was ordered to be engrossed for a third reading.

Mr. Wade, on leave, introduced a bill for "An Act prescribing the time of holding the District Court in the Fifth Judicial District."

Which was read twice, and referred,

On motion of Mr. Sprague, to Messrs. Wade, Lind, Crabb, Hubbs and Coffroth.

Mr. Snyder, on leave, introduced a bill for "An Act to regulate the pay and mileage of members of the Legislature whose seats are contested,"

Which was read twice, and referred to the Committee on Elections.

Mr. Hubbs moved to re-consider the vote on the adoption of the Concurrent Resolution, to adjourn *sine die* on the 15th of April.

On which Messrs. Hager, Snyder and Hubbs demanded the ayes and nays, and the motion was carried by the following vote:

AYES.

Messrs. Estill,	Messrs. Ralston,
Hubbs,	Sprague,
Lind,	Wade,
Lott,	Walkup,
Lyons,	Wombough—10.

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Coffroth,	Keene,
Foster,	Snyder—8.

The resolution was then laid upon the table.

Mr. Snyder moved to adjourn.

Lost.

Mr. Coffroth moved a call of the Senate.

Lost.

Mr. Coffroth moved to take from the table Senate Joint Resolution, authorizing the Governor to transmit the late Census returns of this State, to the Census office in Washington city.

Which was agreed to, and the resolution read and laid upon the table.

The following message was received from the Governor, in relation to the extension of the Water Front of the City of San Francisco. (See Appendix, No. 50.)

Mr. Hubbs moved to refer the message and accompanying communication to the Finance Committee, and that one thousand copies be printed.

Mr. Lyons moved to amend by printing two thousand copies, and the question being first taken on the motion to print two thousand.

It was agreed to by the following vote, the ayes and nays demanded by Messrs. Hager, Walton and Kurtz.

AYES.

Messrs. Catlin, Coffroth, Estill, Gruwell, Hubbs, Keene, Lind, Lott, Lyons, Ralston, Sprague, Walkup, Walton—13.

NAYS.

Messrs. Baird, Foster, Hager, Kurtz, Smith, Wade—6.

Mr. Hager moved that the message be referred to the Judiciary Committee.

Lost.

The question recurring on the motion to refer to the Finance Committee.

It was agreed to.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, March 25, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Coffroth presented the memorial of William Glen, praying the Legislature to grant him and his associates the privilege of building a wharf at the foot of Union street, in San Francisco, and moved its reference to the Committee on Commerce and Navigation.

Which was agreed to.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled "An Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries and provide for its organization;" also,

"An Act to ascertain the indebtedness of Mariposa and El Dorado counties;" and

"An Act to provide for the publication and distribution of the official Map of the State," as compiled by the Surveyor General.

Report adopted.

Mr. Hubbs, Chairman of the Finance Committee, reported back the message of the Governor, transmitting copies of the correspondence with M. G. Vallejo, in accordance with a Joint Resolution passed 4th February, 1853.

Also, copy of the release of M. G. Vallejo to the State of California, with the opinion that the release made by General Vallejo is full and entire, and in accordance with the provisions of "An Act to provide for the permanent location of the Seat of Government," passed February 4th, 1853.

The report was adopted.

Mr. Hubbs, Chairman of the Committee on Finance, reported back Assembly bill for "An Act to provide for the redemption of Comptroller's warrants, drawn payable out of the General Fund," and recommended its passage without further amendment.

The report was accepted and laid upon the table.

Mr. Smith, from the Judiciary Committee, reported back Senate bill for "An Act in relation to personal mortgages in certain cases and to provide for recording the same," with a substitute therefor, and recommended the same to the favorable consideration of the Senate.

The report was accepted and laid upon the table.

Mr. Lyons, Chairman of Committee on Engrossment, reported as correctly engrossed "An Act to provide for the incorporation of railroad companies," and that the committee made the following correction:

In the last line of section thirty-seven, by inserting the words, "not less than three nor more than ten years," instead of the words "not exceeding three and not more than ten years."

The report was adopted.

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported that the committee had examined and allowed the account of H. Patton, for wood, fifteen dollars; the account of Frank Shirley, for hauling, six dollars.

On motion of Mr. Lott, the report was adopted and the accounts ordered paid.

Mr. Ralston, Chairman of the Judiciary Committee, reported back, without amendment, Senate bill for "An Act to authorize poor persons in certain cases to prosecute suits without the payment of costs," and recommended its passage.

Mr. Ralston also reported from the same committee, without amendment, Assembly bill for "An Act to legalize certain official acts of Wm. J. Lewis, County Surveyor of Santa Clara county," and recommended its passage.

Mr. Ralston, from the same committee, also reported back, with amendments, Assembly bill for "An Act amendatory and supplementary to sec-

tions four and eight of an Act entitled an Act concerning Divorces," passed March 25th, 1851, and asked the concurrence of the Senate in the amendments.

The reports were accepted and laid upon the table.

Mr. Sprague, from the Judiciary Committee, reported back, without amendment, Senate bill for An Act amendatory of an Act to exempt the Homestead and other property from forced sale in certain cases, passed April 21st, 1851, and recommended its passage.

Mr. Sprague, from the same committee, also submitted a majority report, recommending the passage, without amendment, of Senate bill for An Act amendatory of an Act entitled an Act to authorize married women to transact business in their own names as sole traders; approved 12th April, 1852.

The reports were accepted and laid upon the table.

Mr. Ralston, Chairman of the Committee on the Judiciary, reported back for the consideration of the Senate, a bill for "An Act concerning sureties on official bonds."

Report accepted.

Mr. Hubbs, Chairman of the Committee on Finance, to whom had been referred the memorial, "An Act for the relief of Wm. Akenhead, County Treasurer of the county of Santa Clara," reported the same back, with a substitute, as follows:

A bill for "An Act for the relief Wm. Akenhead, Treasurer of Santa Clara county."

The report was accepted.

Mr. Coffroth submitted the following report. (See Appendix No. 51.)

Mr. Ralston, Chairman of the Judiciary Committee, reported back, with an amendment, Senate bill for An Act defining the rights of husband and wife, passed on the 17th April, 1850, and recommended its passage.

Report accepted.

Mr. Wade, Chairman of the Select Committee, to whom was referred "An Act prescribing the time of holding the District Court in the Fifth Judicial District, reported the same back without amendment, and recommended its passage.

The report was adopted; and,

On motion of Mr. Wade, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Lind, Chairman of the Select Committee, to whom was referred the thirteenth section of An Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers, reported recommending that the section be adopted, with an amendment that the county of Tulare, for judicial purposes in the District Court, be attached to Mariposa county.

The report was adopted.

Mr. Ralston, Chairman of the Judiciary Committee, reported back, with an amendment, Senate bill for "An Act to provide a Library for the Supreme Court," and recommended its passage.

The report was accepted.

Mr. Smith, from the Select Committee, to whom was referred Senate bill for An Act entitled an Act to ratify an ordinance passed by the Council of

the city of Benicia, submitted a minority report recommending the passage of a substitute.

The report was accepted and laid upon the table.

Mr. Lott, from the same committee, submitted a majority report recommending the passage of a substitute.

The report was accepted and laid upon the table.

Mr. Crabb, from the Judiciary Committee, reported back, with an amendment, An Act to amend section ninety of an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11th, 1851, and recommended its passage.

The report was accepted and laid upon the table.

Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and repeal a like Act passed April 22d, 1850, was read a second time, and referred, on motion of Mr. Hubbs, to the Judiciary Committee.

A message was received, informing the Senate that the Assembly passed, yesterday, An Act recommending to the electors to vote for or against calling a Convention to revise and change the entire Constitution of this State ; and Senate bill for

An Act to amend an Act entitled an Act concerning passengers arriving in the Ports of the State of California.

The Assembly bill was read twice, when Mr. Walton moved its reference to the Select Committee to report amendments to the Constitution.

Which was agreed to.

And on motion of Mr. Crabb, the committee were instructed to report on next Tuesday week ; and the bill was made the special order for that day.

Mr. Lyons, on leave, introduced a bill for An Act for the relief of Wm. Bullington.

Which was read twice and referred to the Committee on Claims.

Mr. Crabb moved to take from the table Senate bill for An Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May 3d, 1852.

Which was not agreed to.

Mr. Keene submitted the following report:

Mr. President :

The Select Committee, to whom was referred the petition of citizens of Carson Valley, asking your honorable body to use your influence with the General Government to appoint some person as Indian Agent in this vicinity, that is well acquainted with the Indian habits and language, instead of the son or favorite friend of those occupying high official station, respectfully submit the following report.

Your committee will confess, at the outset, that the prayer of the petitioners is most correct and reasonable ; but they find no grant, among the enumerated or reserved powers of a State, to dictate to the General Government appointments to fill the federal offices in the different States.

Your committee take pleasure in adding whatever authority they may give to the prayer of the petitioners by the endorsement of their entire approbation of the policy suggested, believing that the administration would

act wisely, and most beneficially subserve the public interest, by selecting the appointees of the Federal Government from those districts most interested therein.

B. F. KEENE,
J. M. ESTILL.

The report was adoptod.

Mr. Ralston, Chairman of the Judiciary Committee, reported back, with amendments, Assembly bill for An Act to enforce the payment of licenses in this State, and recommended its passage.

Report accepted and laid upon the table.

On motion of Mr. Lott, the majority and minority reports of the Select Committee on the bill for An Act to ratify an ordinance passed by the Council of the city of Benicia, were taken up; and the Senate, as in Committee of the Whole—Mr. Hubbs in the chair—proceeded to the consideration of the bill; and having adopted a substitute for the same,

On motion of Mr. Keene, the committee rose and reported it back to the Senate, and were discharged from its further consideration.

The substitute, being An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia, was then considered.

Mr. Wombough moved to strike out of section first the following words: "successors and assigns."

On which Messrs. Wombough, Lind and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Hubbs, Kurtz, Lind, Walkup, Wombough—5.

NAYS.

Messrs. Baird, Catlin, Coffroth, Estill, Foster, Gruwell, Hager, Hudspeth, Keene, Lott, Lyons, Ralston, Smith, Snyder, Sprague, Wade, Walton—17.

So the motion was lost.

Mr. Smith moved to strike out of section second the following words:—"and in making such assessment, to take into their consideration the rights, if any, already vested in said company."

On which Messrs. Wombough, Smith and Lind demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Hubbs, Smith, Sprague, Wade, Walkup, Wombough—7.

NAYS.

Messrs. Baird, Coffroth, Estill, Foster, Gruwell, Hudspeth, Keene, Kurtz, Lind, Lott, Lyons, Ralston, Snyder, Walton—14.

So the motion was lost.

Mr. Catlin moved the adoption of an amendment to section two.

Which was agreed to.

On motion of Mr. Sprague, the section was further amended.

Mr. Smith moved the adoption of an additional section as section six.

Which was not agreed to.

Mr. Catlin offered an amendment as section six.

Which was not adopted.

On motion of Mr. Lyons, the bill was ordered engrossed for a third reading on to-morrow.

Senate bill for "An Act to provide for the incorporation of Railroad Companies," was read a third time and passed.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled "An Act to exempt Firemen from Militia service and Jury duty."

And also "An Act for the relief of J. D. Monnett, M. D., for services rendered sick Immigrants.

Report adopted.

Mr. Kurtz moved to take from the table Senate bill for "An Act for the relief of Immigrants travelling overland to California."

Not agreed to.

Mr. Gruwell moved to take from the table "An Act for the relief of Wm. Akenhead, County Treasurer of Santa Clara County."

Which was agreed to.

The Senate then, as in committee of the whole, Mr. Lott in the chair, took the bill under consideration; and having considered the same,

On motion of Mr. Smith, the committee rose and reported the bill back to the Senate, without amendment, and were discharged.

Mr. Sprague moved to adjourn.

On which Messrs. Lind, Crabb and Gruwell demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Hager, Lind, Lyons, Sprague, Walkup—5.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Estill, Gruwell, Hubbs, Kurtz, Lott, Ralston, Smith, Wade, Wombough—13.

Mr. Sprague moved a call of the Senate, which was sustained by the following vote: the ayes and nays being demanded by Messrs. Lyons, Kurtz and Lind.

AYES.

Messrs. Estill, Hager, Hubbs, Lind, Lott, Lyons, Ralston, Sprague, Walkup, Wombough—10.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Gruwell, Kurtz, Smith, Wade—8.

The following Senators were absent—Messrs. Foster, Hudspeth, Keene, McKibben, Snyder and Walton.

Mr. Smith moved that further proceedings under the call be suspended.

Lost.

Messrs. Keene and Foster appeared, and were admitted.

On motion of Mr. Crabb, the call was suspended.

Mr. Lind moved to adjourn.

Lost.

On motion of Mr. Keene, the vote ordering "An Act to amend an Act to provide for levying, assessing and collecting the Public Revenue, approved April 23, 1852, to be engrossed for a third reading, was re-considered.

On motion of Mr. Crabb, the bill was taken under consideration; and after being amended, was ordered engrossed for a third reading.

On motion of Mr. Smith, Senate bill for An Act for the relief of Wm.

Akenhead, County Treasurer of Santa Clara county, was ordered engrossed for a third reading.

Mr. Lind asked leave of absence until Tuesday evening next.

Granted.

Mr. Crabb was also granted the same leave of absence, on motion of Mr. Wade.

Mr. Keene, Chairman of the Committee on State Hospitals, to whom was referred the claim of Charles E. Pickett, for services rendered and funds expended for the relief of sick and distressed immigrants in 1849–50, reported the same back, with a bill for the relief of Charles E. Pickett.

The report was accepted, and the bill read twice and referred, on motion of Mr. Coffroth, to the Committee on State Hospitals.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide for the formation of corporations for commercial purposes."

An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay:

And a Memorial to Congress, reported by the Select Committee, to whom was referred the petition of the citizens of Carson's Valley.

Report adopted.

Senate bill for An Act to provide for the formation of corporations for commercial purposes, was read a third time and passed.

On motion of Mr. Coffroth, the title of the bill was amended so as to read "An Act to provide for the formation of corporations for certain purposes."

Mr. Hager moved to adjourn.

Lost.

Mr. Hubbs moved that the Senate take a recess until 7½ o'clock.

Lost.

Mr. Kurtz moved to adjourn.

Lost.

Mr. Walton moved that the Senate take a recess until 7 o'clock, P. M.

On which Messrs. Lyons, Lind and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs.	Baird,	Messrs.	Hudspeth,
	Coffroth,		McKibben,
	Foster,		Snyder,
	Hager,		Walkup,
	Hubbs,		Walton—10.

NAYS.

Messrs.	Crabb,	Messrs.	Lind,
	Estill,		Lott,
	Gruwell,		Lyons,
	Keene,		Wade—9.
	Kurtz,		

So the Senate took a recess until 7, P. M.

EVENING SESSION.

Senate re-assembled at 7 P. M., and was called to order by the Secretary.

On motion of Mr. Wade, Mr. Hubbs was called to the chair.

Mr. Wombough moved that the Senate proceed to the consideration of Senate bill for "An Act for the relief of Immigrants travelling overland to California."

Which was agreed to.

The report of the committee, and the substitute submitted by them, were then read, when

Mr. Walkup moved the indefinite postponement of the whole subject.

Mr. Walton moved to postpone the further consideration of the subject, until Friday next.

Which was agreed to.

Mr. Sprague offered a resolution requesting the Secretary of State to furnish the Senate, the number of white inhabitants in each county in this State, as returned by the Census agents, and that in making this statement he rely only upon the basis of names actually taken down and returned by the Census agents.

On which the ayes and nays were demanded by Messrs. Sprague, Wombough and Walton, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Snyder,
Gruwell,	Sprague,
Hubbs,	Wade,
Hudspeth,	Walkup,
Lott,	Walton—10.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Smith,
Foster,	Wombough—6.

So the resolution was adopted.

On motion of Mr. Catlin, Senate bill for "An Act in relation to personal mortgages in certain cases, and to provide for recording the same," was taken from the table, and the substitute submitted by the committee, entitled "An Act in relation to personal mortgages in certain cases," was adopted.

The substitute was amended, on motion of Mr. Smith,

And further amended, on motion of Mr. Sprague.

Mr. Smith then moved that the rules be suspended, the bill considered engrossed, and read a third time.

Which was not agreed to.

The bill was engrossed for a third reading.

Mr. Walton, from the Committee on Engrossment, reported as correctly engrossed, "An Act for the relief of William Akenhead, County Treasurer of the County of Santa Clara."

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled, "Joint Resolution in relation to the establishment of Post Offices and Mail Routes in the northern part of the State."

Report adopted.

Mr. Lind, from the Joint Committee on Enrollment, reported, also, that the committee had this day presented to the Governor, for his approval, "An Act to create the county of Alameda and to establish the Seat of Justice therein, to define its boundaries and provide for its organization;"

"An Act to ascertain the indebtedness of Mariposa and El Dorado counties;"

"An Act to provide for the publication and distribution of the official Map of the State, as compiled by the Surveyor-General;"

"An Act for the relief of J. D. Monnett, M. D., for services rendered sick emigrants;" and

"An Act to exempt firemen from Militia service and Jury duty."

Report adopted.

On motion of Mr. Sprague, Senate bill for An Act to provide a Library for the Supreme Court, was taken from the table.

The amendments reported by the Judiciary Committee were concurred in.

On motion of Mr. Lott, the last section of the bill was struck out.

Mr. Wade moved to strike out the fourth section of the bill.

Which was agreed to.

Mr. Wombough moved to strike out the first, second and third sections of the bill.

Lost.

On motion of Mr. Sprague, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Gravell moved to take from the table Senate bill for "An Act for the relief of Wm. Akenhead, County Treasurer of Santa Clara county."

Mr. Sprague moved a call of the Senate.

On which Messrs. Wade, Coffroth and Baird demanded the ayes and naye, and the Senate refused to sustain the call by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Sprague,
Foster,	Walton,
Lott,	Walton,
McKibben,	Wombough—[illegible]

NAYS.

Messrs. Baird, Catlin, Gruwell, Hubbs, Hudspeth, Smith, Snyder, Wade—8.

Mr. Sprague moved to adjourn.

On which Messrs. Sprague, Lott and Coffroth demanded the ayes and nays, and the Senate refused to adjourn by the following vote :

AYES.

Messrs. Foster, Lott, McKibben, Snyder, Sprague, Walkup, Walton, Wombough—8.

NAYS.

Messrs. Baird, Catlin, Coffroth, Estill, Gruwell, Hubbs, Hudspeth, Smith, Wade—9.

President in the chair.

Mr. Sprague moved to indefinitely postpone the bill, and the ayes and nays were demanded by Messrs. Coffroth, Walton and Sprague.

Mr. Smith moved to adjourn, which was agreed to; and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

SATURDAY, March 26, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

On motion of Mr. Walton, the vote on the adoption of the resolution, yesterday, calling on the Secretary of State for information, was reconsidered.

Mr. Walton then offered the following resolution:

Resolved, That the Secretary of State be, and he is hereby, required to furnish for the use of the Appointment Committee, at his earliest convenience, the number of white inhabitants in each county in this State, as returned by the Census Agents, and now on file in his office, and that in making this statement he rely only upon the basis of names actually taken and returned by the Census Agents; and in order that he may be enabled to comply speedily with this requirement, he is hereby authorized to appoint such number of Clerks as in his discretion may be necessary.

The resolution was adopted.

Mr Coffroth presented the petition of citizens of Tuolumne county, praying the passage of a law compelling those who dig up gardens in quest of gold to pay the original occupant a fair compensation for damage, and moved its reference to the Committee on Mines and Mining Interests.

Which was agreed to.

On motion of Mr. Wombough, Mr. Foster was granted leave of absence till Monday evening.

On motion of Mr. Snyder, Mr. Hager was granted leave of absence for the same time.

On motion of Mr. Walton, Mr. Keene was granted ten days' leave of absence.

And Mr. Lyons was granted the same leave of absence, on motion of Mr. Hubbs.

Mr. Hemsath, from the Committee on Missions and Mission Lands, to whom was referred the bill concerning Estrays, reported the same back with amendments, and recommended its passage.

The report was accepted and laid upon the table.

A message was received from the Governor, informing the Senate that he approved, on the 25th inst., "An Act for the relief of J. D. Monnett, M. D., for services rendered Sick Emigrants," and

"An Act to provide for the Publication and Distribution of the Map of the State, as compiled by the Surveyor-General."

A message was received informing the Senate that the Assembly, on yesterday, concurred in Senate amendment to Assembly bill for "An Act

to provide for the Protection of Foreigners, and to define their liabilities and privileges."

And passed Senate bill for "An Act to re-incorporate the City of Stockton," approved April 21st, 1852.

Mr. Snyder offered the following preamble and resolution:

Whereas, Any information connected with the geology of this State is of great importance, not only to the miner but to the agriculturist, and as an opportunity is now offered through Dr. Trask, (a gentleman who has made a thorough examination of the mineral districts,) by which we may add to the very limited stock of knowledge upon that subject; therefore,

Resolved, That a select committee of five be appointed to obtain from Dr. Trask such information as he may possess relative to the subject; which, if deemed of sufficient importance, will be reported to the Senate on the 6th day of April next.

The resolution was adopted.

And the Chair announced as the committee, Messrs. Snyder, Kurtz, Walkup, Wade and Hager.

Senate bill for "An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay," was read a third time and passed.

Senate bill for "An Act concerning Building Lots, Streets, and Mill Sites, upon public lands of the United States," was read a second time, and

Referred, on motion of Mr. Coffroth, to the Committee on Mines and Mining Interests.

Mr. Ralston moved a call of the Senate.

Which was sustained, and Messrs. Estill, Smith and Wade, were absent.

On motion of Mr. Ralston, (the absentees having appeared,) further proceedings under the call were suspended.

Mr. Snyder moved to take from the table the Concurrent Resolution to adjourn sine die on the 15th April.

Which was not agreed to.

On motion of Mr. Ralston, the Senate proceeded to the consideration of the reports submitted by the Judiciary Committee yesterday.

Assembly bill for "An Act amendatory and supplementary to Sections four and eight of an Act concerning Divorces," passed March 25th, 1851. was taken up.

The amendments reported by the Judiciary Committee concurred in, and the bill read a third time and passed.

Mr. Coffroth in the chair.

Mr. McKibben moved that the Sergeant-at-Arms be instructed to procure a dozen arm chairs for the use of the Senate.

Not agreed to.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back without amendment, Assembly bill for "An

Act to divide the county of Trinity, and form a new county out of the western portion of the same to be called Humboldt.

The report was accepted, and laid upon the table.

Senate bill for "An Act concerning Sureties on Official Bonds," was ordered engrossed for a third reading.

Senate bill for "An Act amendatory of an Act to authorize Married Women to transact business in their own names as sole traders," approved April 12th, 1852, was laid upon the table, on motion of Mr. Sprague.

Senate bill for "An Act to authorize Poor Persons in certain cases to prosecute Suits without the payment of costs," was ordered engrossed for a third reading.

The amendment reported by the Judiciary Committee to Senate bill for "An Act to amend an Act defining the rights of Husband and Wife," passed 17th April, 1850, was concurred in, and the bill ordered engrossed for a third reading.

The amendments reported by the Judiciary Committee to Assembly bill for "An Act to enforce the payment of Licenses in this State," were concurred in, the bill read a third time and passed.

Senate bill for "An Act to amend Section ninety of an Act concerning Courts of Justice and Judicial Officers," was, on motion of Mr. Hubbs, laid upon the table.

Assembly bill to provide for the Compilation and Publication of the Laws, was also laid upon the table.

Senate bill for "An Act amendatory of an Act to exempt the Homestead and other property from forced sale, in certain cases," was taken up.

Mr. Hubbs moved to lay the bill upon the table.

And the ayes and nays were demanded by Messrs. Sprague, Hubbs and Walton, with the following result:

AYES.

Messrs.	Baird,	Messrs.	Snyder,
	Gruwell,		Wade,
	Hubbs,		Walkup,
	Lott,		Wombough—9.
	Smith,		

NAYS.

Messrs.	Catlin,	Messrs.	Ralston,
	Coffroth,		Sprague,
	Kurtz,		Walton—7.
	McKibben,		

So the bill was laid upon the table.

The amendments reported by the Committee on Finance to Asssembly bill for "An Act to provide for the redemption of Comptroller's Warrants drawn payable out of the General Fund," were concurred in, and the bill read a third time and passed.

Assembly bill for "An Act to legalize certain official acts of Wm. J.

Lewis, County Surveyor of the county of Santa Clara," was read a third time and passed.

Senate bill for "An Act for the relief of Wm. Akenhead, County Treasurer of Santa Clara County," was read a third time, and on the question of its passage,

The ayes and nays were demanded by Messrs. Hubbs, Walton and Walkup, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Smith,
Estill,	Snyder,
Gruwell,	Wade,
Hudspeth,	Wombough—10.

NAYS.

Messrs. Coffroth,	Messrs. Ralston,
Hubbs,	Sprague,
Lott,	Walkup,
McKibben,	Walton—8.

So the bill was passed.

Assembly bill for "An Act to submit to the legal and qualified voters of Tulare County, at the next general election, the permanent location of the Seat of Justice of said county," was read a third time and passed.

The amendments reported by the Committee on Roads and Highways, to Senate bill for "An Act to amend an Act concerning Toll Bridges," were, on motion of Mr. Smith, concurred in, and the bill was ordered engrossed for a third reading.

Mr. Estill, on leave, introduced a bill for "An Act for the relief of Capt. Joseph Walker."

Which was read twice, the blank filled with "five hundred," when

The rules were suspended, on motion of Mr. Baird, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Hubbs, Senate bill for "An Act supplemental to an Act to regulate Elections," passed March 23d, 1850, was laid upon the table.

Mr. Smith moved that the Senate adjourn, to meet at half past seven o'clock, Monday evening.

Mr. Sprague moved as an amendment, that the Senate adjourn to the usual hour. Lost.

The question was then taken on the motion to adjourn to 7½ o'clock, Monday evening.

And it was agreed to by the following vote, the ayes and nays being demanded by Messrs. Sprague, Baird and Wombough:

AYES.

Messrs. Baird, Catlin, Estill, Hubbs, Lott, McKibben, Smith, Snyder, Wade, Walkup—10.

NAYS.

Messrs. Coffroth, Sprague, Walton, Wombough—4.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, March 28, 1853.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Woodbridge.

On motion of Mr. Hubbs, Mr. Lott took the chair.

The Journal of Saturday was read and approved.

On motion of Mr. Walton the reports of the Committee to whom was referred that portion of the Governor's message relating to the extension of the Water Front of the city of San Francisco, together with the numerous petitions and memorials of citizens, and of the corporate authorities of said city, relating to the same subject, were taken from the table.

Mr. Walton moved that four hundred and eighty copies of the report be printed.

Mr. Crabb moved that one thousand copies be printed for the use of the Senate.

Which was agreed to.

On motion of Mr. Hubbs, Senate bill for an Act supplemental to "An Act to regulate Elections," passed March 23, 1850, was taken from the table.

Mr. Hubbs moved that the bill be referred to the Committee on Elections.

Which was agreed to.

Mr. Kurtz, from the Committee on Indian Affairs, to whom was referred the papers and documents of the Fitzgerald Volunteers, serving in San Diego county in the years 1851 and '52, against the hostile Indians, reported the same back, with a bill providing for their payment, and recommended its passage.

The report was accepted, and the bill read twice, and on motion of Mr. Smith laid upon the table.

Mr. Hubbs moved that the usual number of copies be printed.

Which was agreed to.

On motion of Mr. Coffroth, Assembly bill for "An Act to provide for the compilation and publication of the Laws of the State of California and the payment thereof," was taken from the table.

Mr. Coffroth moved that the bill be now put upon its passage.

Mr. Hubbs presented the following communication from Wm. H. R. Wood.

Hon. Senate and Assembly:

Understanding that the Legislature is willing to receive propositions for digesting and codifying the Laws of the State, I beg leave to say—that I will bind myself to deliver to the State one thousand copies of a correct digest of the laws of this State, put up in substantial leather binding, within six months after the adjournment of the present Legislature, for the sum of ten thousand dollars; the digest to undergo the revision of a Board of Examiners appointed by the Legislature, or as they may direct.

On motion of Mr. Hubbs the bill, with the communication, was recommitted to the Judiciary Committee.

Mr. Wade moved the Senate adjourn.

Lost.

Mr. Hager moved to take from the table Senate bill for an Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial Officers; on which Messrs. Hager, Kurtz and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Crabb,	Lyons,
Gruwell,	Roach,
Hager,	Smith,
Hubbs,	Snyder,
Hudspeth,	Sprague,
Kurtz,	Wombough—14.

NAYS,

Mr. Wade, Mr. Walkup—2.

So the bill was taken from the table.

Mr. Smith moved that the report of the Select Committee, to whom was referred the thirteenth section of the bill, be adopted.

Which was agreed to.

Mr. Smith moved to strike out of section fifty six the following words: "And except within the limits of an incorporated city, within which limits this Court shall possess no jurisdiction over roads, turnpikes or canals:" on which Messrs. Smith, Walton and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Crabb,	Snyder,
Gruwell,	Wade,
Hubbs,	Walton,
Hudspeth,	Wombough—11.
Lyons,	

NAYS.

Messrs. Hager,	Messrs. Roach,
Lott,	Walkup—4.

So the motion to strike out was agreed to.

Section thirty two was amended on motion of Mr. Hagar.

Mr. Hager offered the following amendment to section ninety-two:

"A Judge or Justice of the Peace shall not act as attorney or counsellor, or have a partner acting as such, in any court in this State."

On which Messrs. Hager, Hubbs and Smith demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Hager,	Messrs. Lott,
Hubbs,	Roach,
Hudspeth,	Snyder—6.

NAYS.

Messrs. Catlin,	Messrs. Smith,
Crabb,	Sprague,
Coffroth,	Wade,
Gruwell,	Walkup—8.

On motion of Mr. Smith, a subtitute was adopted to section ninety-two.

Mr. Smith also moved an amendment to section ninety-three.

Which was agreed to.

Mr Crabb moved to re consider the vote by which the substitute to section ninety-two was adopted.

Which was agreed to.

Mr. Crabb moved to strike out of the substitute the following words: "A Justice of the Peace."

On which Messrs. Smith, Sprague and Catlin demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs.	Catlin,	Messrs.	Hubbs,
	Crabb,		Hudspeth,
	Gruwell,		Smith—6.

NAYS.

Messrs.	Hager,	Messrs.	Sprague,
	Lott,		Wade,
	Roach,		Walkup,
	Snyder,		Walton—8.

On motion of Mr. Smith, article second of chapter second, as amended, was then adopted.

Mr. Crabb moved an amendment to section seventy.

Which was agreed to.

On motion of Mr. Smith, the bill as amended was ordered engrossed for a third reading.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, March 29, 1853.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Woodbridge.

On motion of Mr. Hubbs, Mr. Lott was called to the chair.

On motion of Mr. Crabb, Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison

contract," was taken from the table, and made the special order for to-morrow, at 12 o'clock.

Mr. Walton moved to take from the table Senate bill for "An Act amendatory of an Act to authorize Married Women to transact business in their own names as sole traders," approved April 12th, 1852.

Which was agreed to.

Mr. Walton offered the following amendments to section five: after the words "directly or indirectly," in the eleventh line, insert "to the prejudice of his creditors," and add at the end of the section the following words: "with a view to defraud his creditors." *Provided, however*, that this Act shall not be so construed as to prevent a married woman from receiving from her husband money or effects sufficient to enable her to carry on business, at any time when he is not in an insolvent condition, and when such transfer of money or effects shall not be to the prejudice of the creditors of the husband.

Which was adopted.

The bill was then ordered to be engrossed and read a third time by the following vote, the ayes and nays being demanded by Messrs. Hubbs, Walton and Lyons.

AYES.

Messrs. Catlin,	Messrs. Sprague,
Estill,	Wade,
Hudspeth,	Walkup,
Lott,	Walton—9.
Snyder,	

NAYS.

Messrs. Crabb,	Messrs. Kurtz,
Coffroth,	Lyons,
Gruwell,	Roach,
Hubbs,	Wombough—8.

A message was received informing the Senate that the Assembly on the 26th inst., passed "An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital;"

And on the 28th, "An Act for the relief of James M. Cranston;"

"An Act for dividing the County of Los Angeles and making a new county therefrom;"

And "An Act for relief of Thomas A. Hilton;"

And Senate bill for "An Act for the relief of Capt. Joseph Walker;"

And passed also with amendments, Senate bill for "An Act for the payment of certain persons therein named for services rendered and materials furnished."

Assembly bill for "An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital," was read twice, when

Mr. Crabb moved its reference to the Committee on Claims.

Mr. Sprague moved to amend by referring it to the Committee on State Hospitals.

Which was agreed to.

Assembly bill for "An Act for dividing the County of Los Angeles, and making a new county therefrom," was read twice, and referred,

On motion of Mr. Crabb, to the Committee on Counties and County Boundaries.

Assembly bill for "An Act for the relief of James M. Cranston," was read twice, and referred to the Committee on Claims, on motion of Mr. Lyons.

Assembly bill for "An Act for the relief of Thomas A. Hilton, M. D., was read twice, and

Referred, on motion of Mr. Lyons, to the Committee on Claims.

Mr. Coffroth moved that the Senate refuse to concur in Assembly amendments to Senate bill for "An Act for the payment of certain persons therein named, for services rendered aud materials furnished;" and that a committee of three be appointed as a Committee of Conference on the disagreeing vote of the two Houses.

Which was agreed to.

And the Chair announced as the committee, Messrs. Coffroth, Lyons and Snyder.

Mr. Crabb, agreeably to notice, introduced a bill for "An Act to prevent Frauds in Elections."

Which was read twice, and laid upon the table on motion of Mr. Crabb, and ordered printed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia."

"An Act prescribing the time of holding the District Court in the fifth judicial district."

"An Act in relation to Personal Mortgages in certain cases."

"An Act to authorize Poor persons in certain cases to prosecute Suits without the payment of costs."

"An Act to amend an Act defining the rights of Husband and Wife," passed 17th April, 1850.

"An Act concerning Sureties on Official Bonds."

And "An Act to provide a Library for the Supreme Court."

Report adopted.

Senate bill for "An Act to amend an Act defining the rights of Husband and Wife," passed on 17th April, 1850, was read a third time and passed.

Senate bill for "An Act in relation to Personal Mortgages in certain cases," was read a third time and passed.

Senate bill for "An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain lands in the City of Benicia," was read a third time and passed.

Senate bill for "An Act concerning Sureties on Official Bonds," was read a third time and passed.

Senate bill for "An Act to authorize Poor persons in certain cases to prosecute Suits without the payment of costs," was read a third time and passed.

On motion of Mr. Sprague, Mr. Ralston was granted leave of absence on account of sickness.

Mr. Gruwell moved to adjourn.

When the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Gruwell.

And the Senate refused to adjourn by the following vote:

AYES.

Messrs. Estill,	Messrs. Kurtz,
Gruwell,	Wade—4.

NAYS.

Messrs. Catlin,	Messrs. Snyder,
Hager,	Sprague,
Hubbs,	Walkup,
Lott,	Walton—8.

Mr. Estill moved that the Senate take a recess until seven, P. M. Lost.

Mr. Estill moved to take a recess until five, P. M. Lost.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, March 30, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Coffroth presented a petition from citizens of Tuolumne county, praying the passage of a law for the reduction of fees in office and costs in the

Courts of Justice of this State, and moved its reference to the Judiciary Committee.

Which was agreed to.

Mr. Hubbs presented the petition of citizens of the city of Vallejo, in reference to losses sustained by the removal of the Seat of Government, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act amendatory of an Act to authorize married women to transact business in their own names as sole traders," approved April 12th, 1852; and

An Act to amend an Act to provide for levying, assessing and collecting the Public Revenue, approved April 23d, 1852.

Report adopted.

Mr. Walton, from the Joint Committee on Enrollment, reported as correctly enrolled An Act to provide for the protection of Foreigners and to define their liabilities and privileges.

Report adopted.

Mr. Crabb moved that Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," be made the special order for to-morrow, at 12 o'clock.

Which was agreed to.

Mr. Smith, from the Committee on Engrossment, reported as correctly engrossed, An Act to amend an Act concerning Toll Bridges.

Report adopted.

Mr. Crabb presented the abstract of votes cast on 12th March, for Senator in Trinity county, and moved that Mr. L. S. Williams, who had received a majority of the votes, be sworn in as Senator of the twenty-second Senatorial District, which was agreed to, and the oath of office was administered to Mr. Williams by the President of the Senate.

Senate bill for "An Act amendatory of an Act to authorize married women to transact business in their own names as sole traders," approved April 12th, 1852, was read a third time; and on the question, "Shall the bill be now passed?" the ayes and nays were demanded by Messrs. Hubbs, Roach and Coffroth, with the following result:

AYES.

Messrs. Catlin, Estill, Hager, Hudspeth, McKibben, Sprague, Walkup, Walton—8.

NAYS.

Messrs. Crabb, Coffroth, Gruwell, Hubbs, Kurtz, Lott, Lyons, Roach, Snyder—9.

So the Senate refused to pass the bill.

Senate bill for An Act to amend an Act concerning Toll Bridges, was, on motion of Mr. Lyons, laid upon the table.

Senate bill for An Act to amend an Act to provide for levying, assessing and collecting the Public Revenue, approved April 23d, 1852, was read a third time and passed.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back the petition of A. G. Hart, M. D., for services rendered sick emigrants in Carson Valley, with a bill for the relief of A. G. Hart, M. D.

The report was accepted and laid upon the table.

On motion of Mr. Hubbs, the Senate went into Committee of the Whole, Mr. Lyons in the chair, upon Senate bill for an Act to provide revenue for the support of the Government of this State, and having considered the same—

On motion of Mr. Estill, the Committee rose, reported progress, and asked leave to sit again.

Which was granted.

Mr. Estill offered the following resolution, which was adopted :

Resolved, That the Governor be requested to transmit to the Senate copies of all papers on file in his Department in relation to the collection of or disbursements made of the civil fund, collected prior to the admission of California into the Union.

Mr. Estill moved that the Senate resolve itself into Committee of the Whole upon the Revenue bill.

On which Messrs. Walton, Sprague and McKibben demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Kunz,
Catlin,	Sprague,
Coffroth,	Walkup,
Estill,	Walton—9.
Hubbs,	

NAYS.

Messrs. Hager,	Messrs. McKibben,
Hudspeth,	Snyder,
Lott,	Wade—7.
Lyons,	

So the Senate, as in Committee of the Whole, Mr. Lyons in the chair, proceeded to the consideration of the bill.

After some time, on motion of Mr. Sprague, the Committee rose, and asked leave to sit again.

Which was granted.

Mr. Sprague moved a call of the Senate, which was sustained, and

Mr. Wombough moved to amend the bill by striking out the words "five hundred and ninety-six," and inserting "eight hundred."

On which Messrs. Hubbs, Lind and Wombough demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Gruwell, Smith, Wade, Wombough—8.

NAYS.

Messrs. Foster, Hager, Hubbs, Hudspeth, Kurtz, Lind, Lott, Lyons, Roach, Snyder, Sprague, Walkup, Williams—13.

Mr. Wombough moved that the rules be suspended, the bill be considered engrossed, and read a third time.

On which Messrs. Hubbs, Lind and Wombough demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Estill, Gruwell, Kurtz, Lyons, Roach, Smith, Snyder, Sprague, Wade, Williams, Wombough—15.

NAYS.

Messrs. Foster, Hager, Hubbs, Hudspeth, Lind, Lott, Walkup—7.

The bill was then read a third time; and on the question, "Shall the bill be now passed?" the ayes and nays were demanded by Messrs. Hubbs, Lind and Lott, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Estill, Gruwell, Kurtz, Lyons, Roach, Smith, Snyder, Sprague, Wade, Williams, Wombough—15.

NAYS.

Messrs. Foster, Hager, Hubbs, Hudspeth, Lind, Lott, Walkup—7.

So the bill was passed.

A message was received, informing the Senate that the Assembly passed, yesterday, a bill for An Act amendatory of an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and to provide for its organization, passed March 25th, 1853; and

An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county; and refused to pass Senate bill for An Act to provide for the payment of the claim of the Pioneer Upholstery.

Assembly bill for An Act amendatory of an Act entitled an Act to create the county of Alameda and to establish the Seat of Justice therein, to define its boundaries and to provide for its organization, passed March 25th, 1853, was read twice, when Mr. Lind moved its reference to the Committee on Counties and County Boundaries.

Not agreed to.

On motion of Mr. Wombough, the rules were suspended, the bill read a third time and passed.

Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba, was read the first time; and,

On motion of Mr. Wombough, laid upon the table.

On motion of Mr. Lott, Senate bill for An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers, was taken under consideration.

Mr. Hager then offered a substitute for section thirty-two: which was adopted, and the bill again ordered to be engrossed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed An Act authorizing the Treasurer of the State of California to issue bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego.

Report adopted.

Mr. Snyder presented the petition of Wm. H. Ross and twenty-nine others, praying the Legislature to pass a Joint Resolution instructing our Senators and requesting our Representatives to use their best efforts to have a

law passed by Congress, granting to each of them one hundred and sixty acres of land in Utah Territory.

Which was read.

Mr. Snyder introduced a Joint Resolution in relation to grants of land, by the General Government in Utah Territory; which was read twice and referred, with the petition, to the Committee on Federal Relations.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor, for his approval, An Act to amend an Act concerning passengers arriving in the ports of the State of California;

An Act to amend an Act to re-incorporate the city of Stockton, approved April 21st, 1852;

An Act to provide for the redemption of Comptroller's warrants, drawn payable out of the General Fund;

An Act to enforce the payment of licenses in this State;

An Act amendatory of section four of an Act concerning Divorces, passed March 25th, 1851.

Report adopted.

Mr. Kurtz offered a resolution, instructing the Sergeant-at-Arms to have the clock, belonging to the State, repaired, if necessary, and have it hung in some suitable place in the Senate Chamber.

Mr. Sprague moved to amend by instructing the Sergeant-at-Arms to procure a clock for the use of the Senate.

Which was agreed to; and the resolution, as amended, was adopted.

On motion of Mr. Gruwell, the Senate proceeded to the consideration of Assembly bill for An Act for the relief of Jacob D. Hoppe.

The bill was read a third time, and on the question, "Shall it now be passed?" the ayes and nays were demanded by Messrs. Lyons, Lind and Coffroth, with the following result:

AYES.

Messrs. Catlin, Crabb, Gruwell, Smith—4.

NAYS.

Messrs. Coffroth, Foster, Hubbs, Hudspeth Lind, Lott, Lyons, Snyder, Sprague, Walkup, Walton—11.

So the Senate refused to pass the bill.

Mr. Hubbs moved a reconsideration of the vote just taken.

Mr. Lind moved to postpone indefinitely the motion to reconsider.

Which was agreed to.

A message was received from the Governor, informing the Senate that he had approved, this day, An Act for the relief of Capt. Joseph Walker.

A message was received, informing the Senate that the Assembly this day passed Senate bill for An Act prescribing the time of holding the District Court in the fifth Judicial District, with an amendment.

On motion of Mr. Wade, the Senate concurred in the amendment.

The President announced that the time had arrived for the consideration of Senate bill for An Act for the relief of immigrants travelling overland to California.

Mr. Lyons moved to lay the bill upon the table.

Which was agreed to.

On motion of Mr. Coffroth, the Senate resolved itself into Committee of the Whole, upon the revenue bill, with Mr. Catlin in the chair; and having considered the same for some time,

On motion of Mr. Sprague, the committee rose, reported progress, and asked leave to sit again.

Which was granted.

Mr. Lind moved to adjourn.

On which Messrs. Coffroth, Hubbs and Sprague demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs.	Baird,	Messrs.	Hudspeth,
	Catlin,		Lind,
	Crabb,		Wade—7.
	De la Guerra,		

NAYS.

Messrs.	Coffroth,	Messrs.	Lyons,
	Foster,		Sprague,
	Hubbs,		Walton—7.
	Lott,		

Mr. Coffroth moved to take a recess till 4, P. M.

On which Messrs. Hubbs, Sprague and Coffroth demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs.	Catlin,	Messrs.	Hubbs,
	Coffroth,		Lyons,
	De la Guerra,		Sprague,
	Foster,		Walkup—9.
	Gruwell,		

NAYS.

Messrs.	Baird,	Messrs.	Smith,
	Crabb,		Wade,

Messrs. Lind, Messrs. Walton,
Lott, Wombough—8.

The Senate re-assembled at 4, P. M., and was called to order by the President.

Mr. Lyons was granted leave of absence until Monday evening.

On motion of Mr. Hager, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. Bradford, Secretary.

IN SENATE.

Saturday, April 2, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Sprague moved a reconsideration of the vote on the passage of a resoulution yesterday, instructing the Sergeant-at-Arms to procure a clock for the use of the Senate.

Which was agreed to.

On motion of Mr. Catlin, a call of the Senate was ordered, and Messrs. Estill, Hubbs, Kurtz, Lind, McKibben, Smith, Snyder and Walton were absent.

Messrs. Lind, Hubbs and Kurtz appeared and were admitted.

On motion of Mr. Wade, further proceedings under the call were suspended.

On motion of Mr. Gruwell, Mr. Walkup was granted leave of absence.

Mr. Hudspeth, Chairman of the Committee on Contingent Expenses, reported as correct the accounts of John Taylor, for repairing chairs, fourteen dollars; and Nevill & Derby, for sundries, forty-two dollars and thirty-eight cents.

The report was adopted and the accounts ordered paid.

Mr. Hubbs offered a resolution providing for the publication of the Foreign Miners' law in the Spanish, French and German languages—the two former in L'Echo du Pacifique, and the latter in the Staats Zeitung,

newspapers: *Provided*, that the cost of publication shall not exceed that usually made for printing in the English language.

Mr. Walton moved to amend by inserting the word "English" after the word "German."

Not agreed to.

The question was then taken on the adoption of the resolution, and the ayes and nays were demanded by Messrs. Hubbs, Roach and Lind, and the Senate refused to pass the resolution by the following vote:

AYES.

Messrs. Catlin, De la Guerra, Hubbs, Roach, Wade—5.

NAYS.

Messrs. Baird, Crabb, Coffroth, Foster, Gruwell, Hudspeth, Kurtz, Lind, Lott, Walton, Wombough—11.

On motion of Mr. Foster, the Chairman of the Committee on Finance, was authorized to employ such clerical assistance as may be necessary for the dispatch of the business belonging to said Committee.

On motion of Mr. Lott, Mr. Snyder was granted leave of absence.

Mr. Roach moved the adoption of the resolution instructing the Committee on Printing to report a bill providing for the printing of the law relating to Foreign Miners in the Sonora Herald, in the French and Spanish languages, for the term of sixty days, and providing that the price of publication shall not exceed that now paid for printing under existing contract.

Which was not agreed to.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for an Act for the relief of E. G. Baker, tinsmith, of San Francisco, and that the Committee had amended the bill agreeably to instructions. And read.

An Act to provide for the payment of E. G. Baker, for iron and tinware furnished the Legislature.

The report was adopted, the bill read a third time and passed.

Mr. Coffroth, from the Committee of Conference, submitted the following report:

The Committee of Conference, of the Senate and Assembly, upon a bill appropriating money for labor performed by certain persons, report—

That the Senate shall agree to the two first amendments of the Assem-

bly, and that the Assembly will recede from its last amendment and agree to insert "ten hundred and sixty two dollars and seventy-five cents."

Respectfully,

J. W. COFFROTH,
of the Senate,

CHARLES A. LEAKE,
of the Assembly.

The report was adopted.

Mr. Crabb moved to take from the table Senate bill for an Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May 3, 1852; on which Messrs. Hubbs, Crabb and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	Kurtz,
Coffroth,	Roach,
Foster,	Wade,
Gruwell,	Williams—12.

NAYS.

Messrs. Hubbs,	Messrs. Sprague,
Lind,	Walton—5.
Lott,	

Mr. Lind moved a call of the Senate.

Agreed to.

Mr. Lott in the chair.

On motion of Mr. Crabb, the call was suspended.

Mr. Wombough moved a call of the Senate.

Mr. Crabb rose to a point of order—that the motion for a call of the Senate is out of order, because a call had just been ordered and dispensed with.

The Chair ruled the motion in order.

Mr. Crabb appealed from this decision, and on the question being put to the Senate, the Chair was sustained.

The question was then taken, on motion, for a call of the Senate, and it was agreed to.

The bill was then read a third time, when Mr. Coffroth moved to lay it upon the table, on which Messrs. Crabb, Walton and Coffroth demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth, Estill, Hubbs, Lind, Lott, Sprague, Williams, Wombough—8.

NAYS.

Messrs. Baird, Catlin, Crabb, De la Guerra, Foster, Gruwell, Hager, Hudspeth, Roach, Wade, Walton—11.

Mr. Hubbs moved a call of the Senate.

Which was sustained, and Messrs. Coffroth and Kurtz were absent.

The absentees appeared, when,

On motion of Mr. Walton, the call was suspended.

The question recurring on the passage of the bill,

The ayes and nays were demanded by Messrs. Crabb, Walton and Wombough, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Foster, Gruwell, Hager, Hudspeth, Lind, Roach, Wade, Walton, Wombough—14.

NAYS.

Messrs. Estill, Hubbs, Lott, Sprague, Williams—5.

So the bill was passed.

Mr. Wombough gave notice, that on Monday next he would move a reconsideration of the vote just taken.

A message was received informing the Senate that the Assembly this day concurred in the report of the Committee of Conference, on the part of the Assembly, on the disagreeing vote of the two Houses on Senate bill for "An Act for the payment of Certain Persons therein named, for services rendered and materials furnished."

Mr. Lind, from the Joint Committee on Enrollment, reported as cor-

rectly enrolled, "An Act prescribing the time of holding Court in the Fifth Judicial district."

And "An Act for the relief of Thomas A. Hilton, M. D."

And that the committee had this day presented the same Acts to the Governor for his approval.

The reports were adopted.

Mr. Catlin, on leave, introduced a bill for "An Act supplementary to an Act entitled an Act to exempt the Homestead and other property from forced sale, in certain cases, and to provide for recording such Homestead Exemption Claims."

Which was read twice and referred to the Judiciary Committee.

Mr. Catlin, from the Committee on Claims, reported back Assembly bill for "An Act for the relief of James M. Cranston," and recommended its passage, after amending the title so as to read "An Act to pay the freight, to James M. Cranston, on State furniture, in 1852."

The report was concurred in, and the bill read a third time and passed.

Mr. Sprague, from the Joint Select Committee on the Apportionment, submitted the following report. (See Appendix No. 54.)

Mr. Crabb, from the Committee on Engrossment, reported as correctly engrossed, "An Act to define the rights of persons to Public Lands in mining localities."

The report was adopted, the bill read a third time, and passed.

Mr. Coffroth, moved that the Senate resolve itself into Committee of the Whole, for the purpose of considering the revenue bill.

Not agreed to.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Monday, April 4, 1853.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Woodbridge.

On motion of Mr. Hubbs, Mr. Lind was called to the chair.

The Journal of Saturday was read and approved.

Mr. Sprague moved a call of the Senate, which was sustained, and Messrs.

Baird, Crabb, Estill, Foster, Hager, Hudspeth, McKibben, Smith, and Williams, were absent.

Mr. Foster appeared; when

On motion of Mr. Sprague, the call was suspended.

Mr. Sprague, Chairman of the Committee on Indian Affairs, reported back Assembly bill for "An Act for the relief of Beverly C. Saunders," and recommended the passage of a substitute.

On motion of Mr. Hubbs, the report was accepted, and laid upon the table.

On motion of Mr. Lott, four hundred and eighty copies of the report of the Joint Select Committee on Apportionment were ordered printed for the use of the Senate.

Mr. Wombough, agreeably to notice, moved a reconsideration of the vote by which the Senate, on Saturday, passed "An Act to repeal an Act to provide for the appointment of a Gauger for the port of San Francisco, passed May 3, 1852."

On which the ayes and nays were demanded by Messrs. Wade, Roach, and Catlin, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Sprague,
Hubbs,	Walton,
Lind,	Wombough—8.

NAYS.

Messrs. Catlin,	Messrs. Ralston,
Foster,	Roach,
Gruwell,	Wade—7.
Kurtz,	

So the vote was reconsidered.

On motion of Mr. Coffroth, the bill was laid upon the table.

On motion of Mr. Hubbs, the Senate resolved itself into Committee of the Whole, and proceeded to the consideration of the revenue bill, and having made some progress therein,

On motion of Mr. Sprague, the Committee rose, and asked leave to sit again.

Which was granted.

Mr. Hubbs moved a call of the Senate. Lost.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Tuesday, April 5, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Ralston, on leave, submitted the following report. (Relative to Public Lands. See Apendix No. 55.)

The report, on motion of Mr. Keene, was accepted and laid upon the table; and two thousand copies of the report and memorial ordered printed.

Mr. Ralston was granted leave of absence.

Mr. Lind, from the Joint Committee on Enrollment, reported as correctly enrolled "An Act for the payment of certain persons therein named, for services rendered, and materials furnished."

Report adopted.

Mr. Sprague, from the Judiciary Committee, reported back, without amendment, Senate bill for "An Act supplementary to an Act to exempt the homestead and other property from forced sale in certain cases, and provide for recording such homestead exemption claims;" and recommended its passage.

The report was accepted and laid upon the table.

Mr. Snyder, Chairman of the Select Committee, to whom was referred Senate bill for An Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of this State; and the proposed amendments to the Constitution; and Assembly bill recommending electors to vote for or against calling a convention to revise and change the entire Constitution of this State, reported the same back for the consideration of the Senate as a minority of the Committee.

Mr. Crabb submitted the following majority report. (See Appendix No. 56.)

Mr. Sprague moved that the majority report be printed.

On which, Messrs. Keene, Hubbs, and Sprague, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Estill,	Lyons,
Hubbs,	Sprague,
Kurtz,	Walton,
Lind,	Wombough—10.

NAYS.

Messrs. Baird,	Messrs. Keene,
Crabb,	Roach,
Coffroth,	Snyder,
De la Guerra,	Wade,
Foster,	Walkup,
Gruwell,	Williams—13.
Hager,	

So the Senate refused to print the report.

Mr. Walkup, Chairman of the Committee on Roads and Highways, reported back Senate bill, for An Act to establish a State road from Benicia to Washington, Yolo county; with the opinion that the object sought to be attained can be more properly accomplished through the Board of Supervisors of Yolo, and the Court of Sessions of Solano counties, under the provisions of An Act passed April 11, 1850, concerning Roads and Highways; that the expense of laying out said road should be paid by the counties immediately interested, and not by the State; and recommended the indefinite postponement of the bill.

The report was adopted, and the bill indefinitely postponed.

Mr. Hubbs submitted the following report:

Mr. President:

The Committee on Finance, in view of the large amount of the debt of the State that has been funded, under the Act of 1852, the insufficiency of the interest tax provided by that to be collected, and the consequent inability to pay the coupons due in New York, on 1st July next, have obtained from the Treasurer of State the following statement in relation to the present situation of the interest for the funded debt of 1852:

Due on the 1st July, in the city of New York, and in the opinion of the Treasurer, necessary to be forwarded from here on the 15th instant, about $35,000.

Amount on hand to meet this remittance, $13,770.

It is uncertain whether any collections will be paid in before the 15th inst., in which case, there will be required to be raised to meet with promptitude the interest due 1st July, $21,230.

In view of these circumstances, the committee have directed me to report the accompanying bill, and recommend its passage.

PAUL K. HUBBS,
Chairman.

The report was accepted, and the bill for "An Act in relation to the Interest on the Funded Debt of 1852," was read twice, and laid upon the table.

Mr. Coffroth, Chairman of the Joint Committee to investigate the circumstances of the passage of the State Prison law at the last session of the Legislature, reported the testimony of Patrick Canney.

Which was ordered printed, with the testimony previously reported. (See Appendix No. 57.)

A message was received from the Governor, informing the Senate that he approved, on the second instant—

"An Act to amend an Act concerning passengers arriving in the ports of California;"

"An Act to amend an Act to re-incorporate the city of Stockton, approved April 21, 1852;"

"An Act prescribing the time of holding the District Court in the Fifth Judicial District."

A message was received, informing the Senate that the Assembly passed, on the first instant, a bill for "An Act to dispose of the interest of the State of California in certain property, and to quiet the title thereto;"

And passed, on the second instant, "An Act to separate the office of Recorder from the office of County Clerk in the county of Yuba."

Assembly bill for an Act to separate the office of County Recorder from the office of County Clerk, in the county of Yuba, was read the first and second time, when,

On motion of Mr. Sprague, the rules were suspended, the bill was read a third time, and passed.

Assembly bill for "An Act to dispose of the interest of the State of California in certain property, and to quiet the title thereto," was read a first and second time, when

Mr. Hubbs moved its reference to a select committee of five,

Which was agreed to.

And the President appointed as the committee Messrs. Hubbs, Sprague, Hager, Keene, and Roach.

On motion of Mr. Sprague, two hundred and forty copies of the bill were ordered printed.

Mr. Crabb moved that the Senate proceed to the consideration of the special order of the day, being Senate and Assembly bills for "An Act recommending to the electors to vote for or against calling a Convention to revise the entire Constitution of this State," and the reports submitted therewith.

On which, Messrs. Hubbs, Sprague, and Wade, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Roach,
Crabb,	Smith,
Foster,	Snyder,
Gruwell,	Wade,
Hager,	Walkup,
Hudspeth,	Williams—14.

NAYS.

Messrs. Coffroth,	Messrs. Lind,
De la Guerra,	Lott,
Estill,	Lyons,
Hubbs,	Sprague,
Kurtz,	Walton—10.

So the Senate, as in Committee of the Whole, Mr. Coffroth in the Chair, proceeded to consider the bills and reports, and the amendments to the Constitution, and having made some progress,

On motion of Mr. Smith, the Committee rose, and asked leave to sit again, which was granted.

Mr. Smith moved that the bills, &c., be made the special order for to-morrow, Wednesday, at 12 o'clock.

Mr. Estill moved to amend by making it the special order for Friday, at 12 o'clock.

On motion of Mr. Crabb, a call of the Senate was ordered, and Messrs. Foster, Roach, Snyder, and Williams, were absent.

The Door-keeper was dispatched for the absentees.

On motion of Mr. Kurtz, the absentees having appeared, the call was suspended.

The question was then taken on the amendment to postpone till Friday.

On which Messrs. Crabb, Wade, and Smith, demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Sprague,
Estill,	Walkup,
Hubbs,	Walton,
Lind,	Wombough—8.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Lott,
Crabb,	Lyons,
De la Guerra,	Roach,
Foster,	Smith,
Gruwell,	Snyder,
Hager,	Wade,
Hudspeth,	Williams—17.
Keene,	

The question recurring on the motion to make the bills special order for to-morrow, at 12 o'clock.

It was agreed to.

A message was received, informing the Senate that the Assembly passed, on the first instant,

"An Act fer the relief of Lawrence McMahon."

The bill was read twice, and referred, on motion of Mr. Lind, to the Committee on Claims.

Mr. Smith, from the Committee on Engrossment, reported as correctly engrossed,

"An Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial Officers."

The report was adopted, the bill read a third time, and on the question, "Shall it now be passed?"

The ayes and nays were demanded by Messrs. Lind, Smith, and Wade, and the bill was passed by the following vote:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	Roach,
Crabb,	Smith,
De la Guerra,	Snyder,
Hubbs,	Sprague,
Hudspeth,	Wade,
Keene,	Walkup,
Lott,	Wombough—16.

NAYS.

Messrs. Coffroth,	Messrs. Walton,
Hager,	Williams—5.
Lind,	

Mr. Keene gave notice that he would, on to-morrow, introduce a bill to determine and define the rights of claimants to the waters of streams in this State, for mining purposes.

Mr. Lind, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor, for his approval, "An Act for the payment of certain persons therein named, and for services rendered and materials furnished."

Adopted.

Mr. Walton presented the remonstrance of citizens of El Dorado County against the adoption of a proposed amendment in "Act to regulate Proceedings in Civil cases in the Courts of Justice of this State, to reduce the jurisdiction of Justices' Courts from five hundred to two hundred dollars."

Which was read, and referred to the Judiciary Committee.

On motion of Mr. Snyder, it was

Resolved, That a committee of three be appointed to examine the work done at the present prison site, and report to the Senate on Wednesday, April 13th.

The President announced as the committee, Mssrs. Snyder, Smith and Lott.

On motion of Mr. Hubbs, the Committee of Conference on the disagreeing vote between the two Houses upon a bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings," were instructed to report to-morrow the result of their proceedings.

On motion of Mr. Catlin, Senate bill for "An Act supplementary to an Act to exempt the Homestead and other property from forced sale, in certain cases, and to provide for the recording of such homestead exemption claims," was taken from the table, and ordered engrossed for a third reading.

On motion of Mr. Hubbs, the Senate took a recess until 7½ o'clock, P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President in the chair.

On motion of Mr. Lott, the Senate proceeded to the consideration of Assembly bill for "An Act for the relief of Beverly C. Saunders."

The substitute reported by the Committee on Indian Affairs, to wit: "An Act to provide for the payment of Beverly C. Saunders, expenses incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the County of San Diego," was then adopted, read a third time, and passed.

On motion of Mr. Hubbs, the Senate resolved itself into Committee of the Whole, (Mr. Lind in the chair,) and proceeded to the consideration of the revenue bill, and having made sundry amendments thereto,

On motion of Mr. Hudspeth, (Mr. Baird in the chair,) the Committee rose, reported progress, and asked leave to sit again,

Which was granted.

On motion of Mr. Sprague, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, April 6, 1853.

Senate met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Hager presented a remonstrance from citizens of San Francisco against the passage of "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," and requesting to be heard by counsel at the bar of the Senate in opposition to the bill.

The remonstrance was read, and referred,

On motion of Mr. Hager, to the select committee having the bill under consideration.

Mr. Hager also presented a similar remonstrance from German residents of San Francisco.

Which was referred to the same committee.

Mr. Wombough gave notice that, on to-morrow, he would introduce a bill for "An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language the Act to provide for the Protection of Foreigners, and to define their liabilities and privileges."

On motion of Mr. Lott, the select committee appointed to visit and survey the work done on the State Prison, were also required to report on the management, discipline and condition of the prisoners.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to provide for the payment of Beverly C. Saunders, expenses incurred by order of the Governor in December, 1851, for the suppression of Indian hostilities in the county of San Diego.

Report adopted.

Mr. Wombough presented the accounts of N. A. Holley, Tyler Curtis, Isaac Taylor and John Hazleton, and moved their reference to the Committee on Claims.

Agreed to.

On motion of Mr. Hubbs, the Senate proceeded to the consideration of Senate bill for "An Act in relation to the Interest on the Funded Debt of 1852.

The bill was read a third time and passed.

The hour of twelve having arrived, the President laid before the Senate the special order of the day, being Senate and Assembly bills for "An Act recommending to the Electors to vote for or against calling a Conventionoto revise and change the entire Constitution of this State, and the reports of the committee thereon, and the amendments to the Constitution submitted by the select committee."

On motion of Mr. Crabb, the Senate as in committee of the whole, Mr. Coffroth in the chair, took under consideration the special order, and having considered the same,

On motion of Mr. Wade, the committee rose, and reported the special order back to the Senate, with an amendment to the Assembly bill, and asked to be discharged.

Which was agreed to.

Mr. Hubbs moved that the Senate adopt the first amendment reported by the select committee.

Mr. Wade moved as an amendment, that the Senate proceed to the consideration of the Assembly bill.

The Chair decided that the first thing in order was to act upon the amendments to the Constitution, as proposed by the select committee, and lost in committee of the whole.

From this decision, Mr. Wade appealed, and on the question "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded by Messrs. Walton, Lind and Hubbs, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Lyons,
Estill,	Sprague,
Hager,	Walkup,
Hubbs,	Walton—9.
Lind,	

NAYS.

Messrs. Catlin,	Messrs. McKibben,
Crabb,	Roach,
Gruwell,	Smith,
Hudspeth,	Wade,
Keene,	Williams—10.

So the decision of the Chair was not sustained.

Mr. Wade moved that the Senate non-concur in the amendment, reported by the committee of the whole, to the Assembly bill, to insert in the fourth line, "a separate ballot box to be provided for that purpose at each precinct."

Mr. Walton moved a call of the Senate, which was sustained, and Messrs. Kurtz, Lott, Snyder and Wombough, were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Lott, Snyder and Wombough appeared, and were admitted.

Mr. Walton moved a suspension of the call.

Lost.

The Sergeant-at-Arms returned, and stated that he was unable to find Mr. Kurtz.

On motion of Mr. Sprague, further proceedings under the call were suspended.

The question recurring on the motion of Mr. Wade to non-concur in the amendment to the bill.

The ayes and nays were demanded by Messrs. Walton, Sprague and Hubbs, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Gruwell, Hudspeth, Keene, McKibben, Roach, Smith, Wade, Wombough—11.

NAYS.

Messrs. Coffroth, De la Guerra, Estill, Hager, Hubbs, Lind, Lott, Lyons, Sprague, Walkup, Walton—11.

So the motion was not agreed to, and the amendment reported by the committee of the whole to the bill, was concurred in.

Mr. Walton then offered the following amendment to section first of the Assembly bill: Strike out the following words: "for or against a Convention or some such words as will distinctly convey the intention of the voter"—and insert the following: "for a Convention to revise the entire Constitution, or against a Convention to revise the entire Constitution."

On which Messrs. Walton, Hubbs and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Estill, Hager, Hubbs, Lind, Lott, Lyons, Snyder, Sprague, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Baird, Catlin, Crabb, Gruwell, Hudspeth Keene, McKibben, Ralston, Roach, Smith, Wade, Williams—12.

So the amendment was agreed to.

Mr. Smith moved that the bill be read a third time.

On which Messrs. Walton, Smith and Lind demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Ralston,
Catlin,	Roach,
Crabb,	Smith,
Gruwell,	Wade,
Hudspeth,	Walkup,
Keene,	Williams—13.
McKibben,	

NAYS.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Estill,	Snyder,
Hager,	Sprague,
Hubbs,	Walton,
Lind,	Wombough—12.

So the bill was read a third time.

The question then recurring on the passage of the bill,

Mr. Wade moved a call of the Senate, which was sustained, and Messrs. Foster and Kurtz were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Foster appeared and was admitted.

Mr. Sprague moved that further proceedings under the call be dispensed with.

Which was agreed to.

The question recurring, "Shall the bill be now passed?"

The ayes and nays were demanded by Messrs. Hubbs, Walton and Wade, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Ralston,
Crabb,	Roach,
Estill,	Smith,
Foster,	Wade,
Gruwell,	Walkup,
Hudspeth,	Williams,
Keene,	Wombough—16.

NAYS.

Messrs. Coffroth,	Messrs. Lott,
De la Guerra,	Lyons,
Hager,	Snyder,
Hubbs,	Sprague,
Lind,	Walton—10.

The Chair decided that the Senate had refused to pass the bill, as it had not received the constitutional vote of two-thirds.

On motion of Mr. Sprague, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Thursday, April 7, 1853.

Senate met pursuant to adjournment.

President in the Chair.

The Journal of Wednesday was read and approved.

Mr. Baird presented a remonstrance from citizens of San Francisco against the passage of a bill for "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto;" and moved its reference to the Select Committee having the bill under consideration.

Agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, An Act to exempt the homestead and other property from forced sale in certain cases, and to provide for recording such homestead exemption claims.

Report adopted.

Mr. Walton, from the Joint Committee on Enrollment, reported as correctly enrolled, An Act amendatory of an Act to create the county of Alameda and establish the Seat of Justice therein, to define its boundaries, and provide for its organization, passed March 25th, 1853.

An Act to pay freight to James M. Cranston, on State furniture in 1853;, also,

An Act to provide for the payment of E. G. Baker, for iron and tin ware furnished the Legislature.

And reported, also, that the committee had presented to the Governor for his approval the same Acts.

Reports adopted.

Mr. Sprague reported back from the Judiciary Committee, with an amendment, Senate bill for An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22d, 1850, and recommended its passage.

Mr. Wombough gave notice that he would, on to-morrow, introduce a bill for An Act to declare a certain road a State Road.

Mr. Sprague, from the Judiciary Committee, reported back, without amendment, an Act to prescribe the manner of applying for pardons, and recommended its passage.

The report was accepted and laid upon the table.

Mr. Wombough, agreeably to notice, introduced a bill for An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language, of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges.

Which was read a first and second time; when,

On motion of Mr. Lind, the rules were suspended, the bill read a third time and passed.

Mr. Keene, Chairman of the Committee on State Hospitals, reported back, without amendment, Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. McKibben, Chairman of the Committee on Education and State Library, submitted the following report, which was accepted. (See Appendix No. 58.)

A message was received from the Governor, informing the Senate that he approved, on the fifth instant, An Act for the payment of certain persons therein named, for services rendered and materials furnished.

A message was received, informing the Senate that the Assembly passed, yesterday, An Act concerning Roads and Highways.

The bill was read a first and second time and referred, on motion of Mr. Wombough, to the Committee on Roads and Highways.

Mr. Wombough moved that the Senate proceed to the consideration of Senate bill for An Act to prescribe the manner of applying for pardons.

Which was agreed to.

On motion of Mr. Coffroth, the bill was laid upon the table till to-morrow.

On motion of Mr. Catlin, it was

Resolved, That Mr. Ralston be authorized to employ a clerk to assist him in his private room in the public duties confided to him.

Mr. Walton offered a concurrent resolution, authorizing the Joint Committee on Enrollment, to change the date of the Act to pay freight to James M. Cranston.

Which was adopted.

Mr. Coffroth, from the Judiciary Committee, submitted the following report:

The Judiciary Committee, to whom was referred a bill for An Act to compile the Laws of the State of California, have had the same again under consideration, and beg leave to report—

That they consider the objects of the bill of paramount importance, being absolutely necessary to secure obedience to the laws and the proper administration of justice, as the Statutes of the preceding session of the Legislature of this State are out of print, and not in the possession of many of the county officers of this State.

They further report, that the cause of the recommitment of this bill having been removed, they deem a re-investigation of the merits of the bill unnecessary.

It is understood that the proposition of W. H. R. Wood is withdrawn, and the present bill is the only proposition of the kind before the Senate.

Having discovered no sufficient reason for changing our minds upon this subject, we respectfully report the bill back again, without amendment, and recommend its passage.

Respectfully,

JAMES W. COFFROTH,
B. KURTZ,
SAMUEL B. SMITH,
M. M. WOMBOUGH.

The report was accepted, and the Senate proceeded to the consideration of the bill.

Mr. Lyons moved to strike out the different amounts proposed to be allowed in the bill, to wit: "six thousand" and "nine thousand" in section seven, and "one thousand" in section eleven.

On which Messrs. Lyons, Hubbs and Lind, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Crabb,	Lyons,
De la Guerra,	Ralston,
Hubbs,	Roach,
Hudspeth,	Sprague,
Kurtz,	Walkup—13.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Smith,
Coffroth,	Wade,
Keene,	Walton,
McKibben,	Williams—8.

So the motion to strike out was agreed to.

Mr. Lyons moved to insert "three thousand," instead of "six," struck out.

Mr. Smith moved, as an amendment, to insert "five thousand."

On which Messrs. Lyons, Lind and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Smith,
Crabb,	Wade,
Coffroth,	Walton,
Keene,	Wombough,
Lott,	Williams—10.

NAYS.

Messrs. Catlin,	Messrs. Lyons,
De la Guerra,	Ralston,
Hager,	Roach,
Hubbs,	Snyder,
Hudspeth,	Sprague,
Kurtz,	Walkup—13.
Lind,	

So the amendment was not agreed to.

Mr. Walton moved to amend by inserting "four thousand."

On which Messrs. Sprague, Lott and De la Guerra demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Smith,
Coffroth,	Snyder,
Hager,	Wade,
Hubbs,	Walton,
Hudspeth	Wombough,
Keene,	Williams—15.
Lott,	

NAYS.

Messrs. Catlin,	Messrs. Ralston,
De la Guerra,	Roach,
Kurtz,	Sprague,
Lind,	Walkup—9.
Lyons,	

So the amendment was agreed to.

Mr. Lyons moved to insert "six thousand," instead of "nine," struck out.

Mr. Smith moved to amend by inserting "eight thousand."

On which Messrs. Lyons, Sprague and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Smith,
Crabb,	Snyder,
Coffroth,	Wade,
Keene,	Walton,
Lott,	Wombough,
McKibben,	Williams—12.

NAYS.

Messrs. Catlin,	Messrs. Lyons,
De la Guerra,	Ralston,
Hubbs,	Roach,
Hudspeth,	Sprague,
Kurtz,	Walkup—11.
Lind,	

So the amendment was agreed to.

Mr. Smith moved that "one thousand dollars," struck out in section eleven, be inserted.

Messrs. Sprague, Smith and Hubbs demanded the ayes and nays on this motion, and it was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Smith,
Coffroth,	Wade,
Keene,	Wombough,
Lott,	Williams—10.

NAYS.

Messrs. Catlin,	Messrs. Lyons,
De la Guerra,	Ralston,
Hager,	Roach,
Hubbs,	Sprague,
Hudspeth,	Walkup,
Kurtz,	Walton—13.
Lind,	

Mr. Walton moved a reconsideration of the vote just taken; and the ayes

and nays were demanded by Messrs. Lyons, Sprague and Walkup, with the following result:

AYES.

Messrs. Baird,	Messrs. Smith,
Crabb,	Wade,
Coffroth,	Walton,
Estill,	Wombough,
Keene,	Williams,
Lott,	President—13.
McKibben,	

NAYS.

Messrs. Catlin,	Messrs. Lind,
De la Guerra,	Lyons,
Hager,	Ralston,
Hubbs,	Roach,
Hudspeth,	Sprague,
Kurtz,	Walkup—12.

So the motion was reconsidered.

Mr. Catlin moved to strike out the eighth section of the bill, and all that related to the appointment of an Examiner, and prescribing his duties.

On which Messrs. Hudspeth, Sprague and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
De la Guerra,	Ralston,
Hager,	Roach,
Hubbs,	Snyder,
Hudspeth,	Sprague,
Kurtz,	Walkup—13.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Lott,
Crabb,	McKibben,
Coffroth,	Smith,
Estill,	Walton,
Keene,	Williams—10.

So the motion to strike out was agreed to.

The bill was then read a third time; and on the question, "Shall it now

be passed?" the ayes and nays were demanded by Messrs. Hubbs, Wade and Walkup, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Smith,
Coffroth,	Wade,
De la Guerra,	Walton,
Estill,	Wombough,
Keene,	Williams—13.
Lott,	

NAYS.

Messrs. Catlin,	Messrs. Lyons,
Hager,	Ralston,
Hubbs,	Roach,
Hudspeth,	Snyder,
Kurtz,	Sprague,
Lind,	Walkup—12.

So the bill was passed.

Mr. De la Guerra gave notice that on to-morrow he would move a reconsideration of the vote just taken.

Mr. Keene, agreeably to notice, introduced a bill for An Act to determine and define the rights of claimants to the waters of streams in this State, for mining purposes.

Which was read twice, and referred,

On motion of Mr. Keene, to the Committee on Mines and Mining Interests; and two hundred and forty copies ordered printed.

Mr. Walton, from the Joint Committee on Enrollment, reported as correctly enrolled, An Act to separate the office of County Recorder from the office of County Clerk, in the county of Yuba.

Report adopted.

Mr. Keene, Chairman of the Committee on State Hospitals, to which was recommitted Senate bill for An Act for the relief of C. E. Pickett, reported the same back, without amendment, and recommended its passage.

The report was accepted, when,

On motion of Mr. Wombough, the bill was considered engrossed, read a third time, and on the question, "Shall the bill be now passed?" the ayes and nays were demanded by Messrs. Wombough, Catlin and Sprague, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Crabb,	Ralston,
Estill,	Sprague,

Messrs. Hubbs, Keene, Kurtz, Lind, Lott, Messrs. Wade, Walton, Wombough, Williams—15.

NAYS.

Messrs. Baird, Coffroth, De la Guerra, Messrs. Hager, McKibben, Walkup—6.

So the bill was passed.

Mr. Lind moved that the Senate proceed to the consideration of Assembly bill for An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital.

Which was agreed to.

The bill was amended, on motion of Mr. Hubbs, by inserting an additional section, as section five.

The bill was then read a third time; and on the question of its passage, the ayes and nays were demanded by Messrs. Wombough, Catlin and Sprague, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Estill, Gruwell, Messrs. Keene, Lind, Lott, Lyons, Snyder, Wade, Wombough—14.

NAYS.

Messrs. Roach, Sprague, Mr. Walkup—3.

So the bill was passed.

Mr. Snyder submitted the following report. (Trask's Report on Geology—see Appendix No. 59.)

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed An Act in relation to the interest on the Funded Debt of 1852.

Report adopted.

Mr. Coffroth moved that the Senate adjourn.

On which Messrs. Wombough, Hubbs and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Lind,
Coffroth,	Lyons,
De la Guerra,	Sprague—8.

NAYS.

Messrs. Crabb,	Messrs. Roach,
Estill,	Snyder,
Gruwell,	Wade,
Hubbs,	Walkup,
Lott,	Wombough—10.

So the Senate refused to adjourn.

Mr. Coffroth moved a call of the Senate.
Not agreed to.
Mr. Gruwell moved to adjourn.
Lost.
Mr. Snyder moved a call of the Senate.
Not sustained.
Mr. Lind moved to adjourn.
On which Messrs. Snyder, Lyons and Gruwell demanded the ayes and nays; and the motion was lost by the following vote:

AYES.

Mr. Baird,	Mr. Lind—2.

NAYS.

Messrs. Crabb,	Messrs. Lott,
Coffroth,	Lyons,
De la Guerra,	Snyder,
Gruwell,	Wade,
Hubbs,	Walkup—10.

Mr. De la Guerra moved a call of the Senate, which was sustained; and Messrs. Catlin, Estill, Foster, Hager, Hudspeth, Keene, Kurtz, McKibben, Roach, Smith, Sprague, Walton, Williams and Wombough were absent.
On motion of Mr. Lind, further proceedings under the call were suspended.

Mr. Coffroth moved to adjourn, which was agreed to, and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, April 8, 1853.

Senate met pursuant to adjournment.

President in the chair.

The Journal of Thursday was read and approved.

Mr. Hager presented the petition of citizens of San Francisco, praying the passage of "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," and moved its reference to the select committee having the bill under consideration.

The petition was read and so referred.

Mr. Sprague, from the Judiciary Committee, reported back, with amendments, Senate bill for "An Act amendatory of an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," and recommended its passage.

The report was accepted.

A message was received, informing the Senate that the Assembly passed, yesterday, a bill for "An Act to provide for the better publication of Official and Legal Notices;"

And Assembly Joint Resolution "in relation to the harbor of Santa Barbara;"

And passed Senate bill for "An Act for the relief of A. G. Hart, M. D.;"

And Senate Concurrent Resolution "to change the date of the Act to pay freight to James M. Cranston."

Assembly Joint Resolution "in relation to the harbor of Santa Barbara," was read twice, and referred,

On motion of Mr. Roach, to Mr. De la Guerra, Senator from Santa Barbara.

Assembly bill for "An Act to provide for the better publication of Official and Legal Notices," was read twice, and referred,

On motion of Mr. Sprague, to the Committee on Public Printing.

Mr. Sprague, from the Judiciary Committee, reported back, with amendments, Senate bill for "An Act to amend an Act to establish a standard of Weights and Measures," passed March 30, 1850, and recommended its passage.

The report was accepted, the amendments concurred in, the bill read a third time and passed.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to declare a certain road a State road."

Which was read twice, and referred to the Committee on Public Lands.

On motion of Mr. Foster, Senate bill for "An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and repeal a like Act," passed April 22, 1850, was taken from the table, and the Senate, as in committee of the whole, proceeded to consider the bill, and having amended the same, reported it back to the Senate, the amendments were concurred in, and the bill read a third time and passed.

Mr. De la Guerra, pursuant to notice, moved a re-consideration of the vote taken yesterday on the passage of "An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof."

On which the ayes and nays were demanded by Messrs. Wade, Hubbs and Lyons, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lind,
De la Guerra,	Lyons,
Foster,	Ralston,
Gruwell,	Roach,
Hager,	Sprague,
Hubbs,	Walkup,
Hudspeth,	Wombough—14.

NAYS.

Messrs. Baird,	Messrs. Smith,
Coffroth,	Snyder,
Estill,	Wade,
Keene,	Walton,
Lott,	Williams—10.

So the vote was reconsidered.

On motion of Mr. Wombough, the bill was laid upon the table.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act for the relief of Charles E. Pickett."

Report adopted.

Senate bill for "An Act supplementary to an Act to exempt the Homestead and other property from forced sale in certain cases, and to provide for recording such Homestead exemption claims," was read a third time; when

On motion of Mr. Hubbs, a call of the Senate was ordered, and Messrs. Crabb, Estill, Hudspeth, Kurtz, McKibben, Smith, Snyder and Walton were absent.

Mr. Crabb, on motion of Mr. Wade, was excused from the action of the call.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Wade in the chair.

Mr. Wombough moved that further proceedings under the call be suspended.

Lost.

Mr. Estill appeared and was admitted.

Mr. Coffroth moved a suspension of the call.

Lost.

Mr. Hudspeth was excused from the action of the call.

Messrs. Walton and Snyder appeared and were admitted.

The Sergeant-at-Arms returned and reported the absentees all present, except Mr. Smith, who was sick.

Mr. Lind moved that further proceedings under the call be suspended.

Which was agreed to.

The question recurring on the passage of the bill, the ayes and nays were demanded by Messrs. Lyons, Coffroth and Hubbs, when

Mr. Hager moved that the vote on the third reading be re-considered.

Which was agreed to.

The bill was then amended on motion of Mr. Hager,

And further amended on motion of Mr. Catlin, when

Mr. Lind moved that the bill be considered engrossed, and read a third time.

Which was not agreed to.

Mr. Lyons moved that the bill be ordered engrossed for a third reading.

On which Messrs. Lott, Wombough and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Estill,
Gruwell,
Hager,
Lind,
McKibben,
Wade,
Walkup—9.

NAYS.

Messrs. Coffroth,
De la Guerra,
Hubbs,
Keene,
Lott,
Lyons,
Roach,
Sprague,
Walton,
Wombough,
Williams—11.

Mr. Sprague was allowed to change his vote from the affirmative to the negative.

Mr. Sprague then moved a re-consideration of the vote just taken.

On which Messrs. Coffroth, Wombough and Walkup demanded the ayes and nays with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Smith,
Estill,	Sprague,
Gruwell,	Wade,
Hager,	Walkup—11.
Lind,	

NAYS.

Messrs. Coffroth,	Messrs. Lyons,
De la Guerra,	Roach,
Hubbs,	Walton,
Keene,	Wombough,
Kurtz,	Williams—11.
Lott,	

Mr. Hager, before the result of the vote was announced, moved that the President of the Senate be requested to take the chair and give the casting vote.

Which was agreed to.

The President took the chair and voted in the negative.

So the motion to re-consider was lost.

Mr. Walton, from the Joint Committee on Enrollment, reported that the committee in accordance with a Concurrent Resolution, passed on the 7th instant, had altered the date of the Act to pay freight to James M. Cranston, from 1853 to 1852.

The report was adopted.

Mr. Wombough presented the account of Lawrence McMahon, and moved its reference to the Committee on Claims.

Which was agreed to.

On motion of Mr. Sprague, a call of the Senate was ordered, and Messrs. Estill, Hudspeth, Roach, Smith and Wombough were absent.

The Sergeant at- Arms was dispatched for the absent members.

Messrs. Estill, Smith and Wombough having appeared.

On motion of Mr. Sprague, the call was suspended.

Mr. Hager offered a resolution, instructing the select committee, to whom was referred Assembly bill for "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," to report the same back, on Tuesday next, the 12th instant, and that it be made the order for that day.

Mr. Hubbs moved to amend by striking out Tuesday, and inserting Thursday.

On which the ayes and nays were demanded by Messrs. Hubbs, Coffroth and Wade, and the motion was lost by the following vote:

AYES.

Messrs. Estill, Hubbs, Kurtz, Lind, Lott, Lyons, Sprague, Walkup, Walton, Wombough—10.

NAYS.

Messrs. Baird, Catlin, Coffroth, De la Guerra, Hager, McKibben, Roach, Smith, Snyder, Wade, Williams—11.

Mr. Hubbs moved to lay the resolution upon the table, and Messrs. Hager, Wade and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Hubbs, Lind, Lott, Walkup, Wombough—5.

NAYS.

Messrs. Baird, Catlin, Coffroth, De la Guerra, Estill, Gruwell, Hager, Kurtz, Lyons, McKibben, Roach, Smith, Snyder, Sprague, Wade, Walton, Williams—17.

So the motion was lost.

Mr. Estill moved to amend the resolution, by striking out Tuesday, and inserting Wednesday.

Which was carried.

A message was received, informing the Senate that the Assembly passed, this day, Senate bill for "An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language of the

Act to provide for the Protection of Foreigners, and to define their liabilities and privileges."

And passed also, with amendments, senate bill for "An Act to provide for the formation of Corporations for certain purposes."

On motion of Mr. Coffroth, the Senate concurred in the amendments.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Saturday, April 9, 1853.

The Senate met pursuant to adjournment.

On motion of Mr. Lyons, Mr. Hubbs was called to the chair.

The Journal of Friday was read and approved.

Mr. Hager presented a remonstrance from citizens of San Francisco, against the passage of An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto; and moved its reference to the Select Committee having the bill under consideration.

Which was agreed to.

Mr. Sprague from the Judiciary Committee, reported back, Senate bill for "An Act in relation to the Judiciary Fund;" and recommended its indefinite postponement; also, Senate bill, for

"An Act to provide for the loss of papers by the fire, at Sacramento City, on the second of November 1852; and recommended its passage.

And Assembly bill for An Act defining the time commencing civil actions; and recommended its indefinite postponement.

The report was accepted, and laid upon the table.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported as correctly enrolled, An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital; and

An Act for the relief of A. G. Hart M. D.

Reports adopted.

Mr. Ralston offered the following resolutions:

Resolved, That a committee of five be appointed to inquire into the justice, propriety, and expediency, of passing a law to relinquish to the citizens of City of Sacramento, on just and liberal terms, all the rights of the State in and to all improved lots in said city; in such way, that each person claiming ownership of one or more lots, and having permanent improvements thereon, may acquire such rights as the State has thereto, at a fixed minimum price.

Resolved, further, That said Committee, do also inquire into the propriety of relinquishing to said city, (for the purpose of enabling her to complete her levee, and other public improvements,) all the rights of the State in the unoccupied and unimproved lots in said city.

The resolutions were adopted, and

The Chair appointed, Messrs. Ralston, Williams, Wade, Coffroth, and Catlin as the Committee.

On motion of Mr. Wombough, it was

Resolved, That the Liquor Guager of the port of San Francisco, be requested to furnish for the use of the Senate, a correct statement of the receipts of his office, up to the first of January 1853.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, read the following report. (Relative to claim of Bark Eliza. See Apendix, No. 60.)

On motion of Mr. Hager, the report was concurred in, and one thousand copies ordered printed.

Mr. Catlin, on leave, introduced a bill for An Act to amend the third section of the Act concerning divorces, passed March 25, 1851.

Which was read twice, and referred,

On motion of Mr. Hager, to the Judiciary Committee.

On motion of Mr. Wade, Mr. Crabb was granted one day's leave of absence.

Mr. Sprague, on leave, introduced a bill for An Act to authorize Alexander Young, to construct a bridge across Clear Creek, in the county of Shasta.

Which was read the first and second time, and referred to the Committee on the Judiciary.

Mr Hudspeth moved that Senate bill for An Act concerning Estrays, be taken from the table.

Which was agreed to.

The Senate, as in Committee of the Whole, Mr. Lyons in the chair, proceeded to the consideration of the bill, and having amended the same, reported it back, when,

On motion of Mr. Walkup, it was ordered engrossed for a third reading.

Mr Hubbs moved, that the Senate take under consideration, the Revenue bill.

On which, Messrs. Wombough, Hubbs, and Sprague, demanded the ayes and nays, and the motion was agreed to, by the following vote:

AYES.

Messrs. Catlin,
De la Guerra,
Estill,
Foster,
Gruwell,
Hubbs,
Hudspeth
Lyons,
Ralston,
Roach,
Sprague,
Walkup,
Walton,
Wombough,
Williams—15.

NAYS.

Messrs. Hager,
Lind,
Mr. Wade—3.

So the Senate, as in Committee of the Whole, proceeded to consider the bill with Mr. Lind, in the chair; and having made sundry amendments thereto,

On motion of Mr. Wombough, the Committee rose and reported the bill back to the Senate.

On motion of Mr. Hubbs, a call of the Senate was ordered and

Messrs. Coffroth, De la Guerra, Estill, Gruwell, Keene, Kurtz, Lyons, McKibben, Walton, and Williams, were absent.

The Sergeant-at-Arms, despatched for the absentees.

Messrs. Estill, Kurtz, De la Guerra, Walton, and Williams, appeared and were admitted.

Mr. Wombough moved, that further proceedings under the call be suspended.

Agreed to.

On motion of Mr. Kurtz, the Senate adjourned to half-past seven o'clock, Monday Evening.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

MONDAY EVENING, April 11, 1853.

7½ O'CLOCK, P. M.

Senate met pursuant to adjournment.

President in the chair.

The Journal of Saturday was read, corrected and approved.

A message was received, informing the Senate that the Assembly passed, on the 8th inst., Senate bill for an Act creating and regulating Public Ferries, passed March 18, 1850.

And Senate bill for an Act for the relief of William Akenhead, County Treasurer of the county of Santa Clara.

And Assembly bill for an Act to provide for the incorporation of Wagon Road Companies.

And Assembly bill for an Act to amend the fourth section of an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

Assembly bill for an Act to provide for the incorporation of Wagon Road Companies, was read twice and referred, on motion of Mr. Lind, to the Committee on Corporations.

Assembly bill for an Act to amend the fourth section of an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852; was read the first and second time, when Mr. Lind moved its indefinite postponement, on which Messrs. Lind, Hubbs and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Snyder,
Foster,	Sprague,
Lind,	Walkup,
Lott,	Walton—8.

NAYS.

Messrs. Hubbs,	Messrs. Wombough,
Lyons,	Williams—5.
Roach,	

No quorum voting.

On motion of Mr. Wombough, a call of the Senate was ordered, and Messrs. Baird, Catlin, Crabb, Coffroth, Estill, Hager, Hudspeth, Keene, Kurtz, McKibben, Smith, Wade and Gruwell were absent.

Mr. Gruwell was granted leave of absence, on motion of Mr. Wombough.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

Mr. Walton moved that further proceedings under the call be suspended.

Agreed to.

Mr. Walton moved to adjourn.

Lost.

Mr. Hubbs moved a call of the Senate, which was sustained, and Messrs. Baird, Catlin, Crabb, Coffroth, Estill, Hager, Hudspeth, Keene, Kurtz, McKibben, Smith and Wade were absent.

On motion of Mr. Walton, Mr. Estill was granted leave of absence for this day.

Mr. Wombough moved that further proceedings under the call be suspended.

Agreed to.

On motion of Mr. Foster the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. Bradford, Secretary.

IN SENATE.

Tuesday, April 12, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported as correctly enrolled, "An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language, of the Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

Report adopted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act to establish a Standard of Weights and Measures," passed March 30th, 1850. And that the com-

mittee had inserted the enacting clause, not found in the original bill.

And "An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and repeal a like Act passed April 22d, 1850."

On motion of Mr. Sprague, the report was adopted.

Mr. Walkup, Chairman of the Committee on Roads and Highways, reported back with amendments, Assembly bill for "An Act concerning Roads and Highways," and recommended its passage.

The report was accepted, and laid upon the table.

The President laid before the Senate the Annual Report of the Superintendent of Public Instruction. (See Appendix No. 61.)

The report was accepted, when Mr. Walton moved that two thousand copies be printed for the use of the Senate.

Which was agreed to.

Senate bill for "An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and repeal a like Act passed April 22, 1850," was read a third time and passed.

The unfinished business of yesterday, being Assembly bill for "An Act to amend the Fourth Section of an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union," approved April 15th, 1852, was taken under consideration, when

Mr. Estill moved its reference to the Judiciary Committee.

Which was agreed to.

On motion of Mr. Hubbs, the Senate, as in Committee of the Whole, proceeded to consider the Revenue bill, (Mr. Lyons in the chair,) and having made some progress therein,

Mr. Hubbs moved that the committee rise, report the bill back to the Senate, and ask to be discharged from its further consideration.

Which was agreed to.

Mr. Wombough moved to consider the bill by sections.

Which was agreed to.

Mr. Sprague moved to amend section one, by striking out the words "whether with two or four wheels."

On which Messrs. Sprague, Wombough and Williams, demanded the ayes and nays.

And the motion was agreed to by the following vote:

AYES.

Messrs. De la Guerra,	Messrs. Roach,
Estill,	Sprague,
Lind,	Walkup,
Ralston,	Walton—8.

NAYS.

Messrs. Hubbs,	Messrs. Snyder,
Lott,	Wombough,
Lyons,	Williams—6.

Mr. Lott moved that the Senate resolve itself into Committee of the Whole, for the purpose of considering the Revenue bill.

Which was not agreed to.

Mr. Walton moved to strike out the third sub-division of section two, as follows: "Colleges and School Houses, and other buildings for the purposes of education, with their furniture, library, and all other equipments, and the lots thereto appurtenant and used therewith, so long as the same shall be used for that purpose."

On which the ayes and nays were demanded by Messrs. Wombough, Lind and Walton, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Walkup,
Kurtz,	Walton,
Lind,	Wombough—7.
Ralston,	

NAYS.

Messrs. Foster,	Messrs. Roach,
Hubbs,	Snyder,
Lott,	Sprague,
Lyons,	Williams—8.

So the motion to strike out was lost.

On motion of Mr. Sprague, the second sub-division of section two was struck out.

Mr. Sprague moved to strike out the eighth sub-division of section two.

Which was not agreed to.

On motion of Mr. Walkup, the eighth sub-division of section two was amended by inserting in the twenty-third line, after the word "tools," "laborers' and miners' implements."

Mr. Walton moved to strike out section two, as follows:

Property exempt from Taxation.

SEC. 2. The following articles shall not be subject to taxation:

First. All lands and lots of ground with their buildings, improvements and structures thereon, belonging to the State, or to any county of this State; all unoccupied lands belonging to the United States, and all lands occupied by the United States Government for the coining of money, or for military, naval or other purposes.

Second. Town halls, council chambers and all public squares and lots kept open for health, use or ornament, belonging to any city, town or village in this State.

Third. Colleges, school houses and other buildings for the purpose of education with their furniture, library and all other equipments and the lots thereto appurtenant and used therewith, so long as the same shall be used for that purpose.

Fourth. Public hospitals, asylums, poor houses and other charitable or benevolent institutions for the relief of the indigent and afflicted, and the lots thereto appurtenant with all their furniture and equipments, so long as the same shall be used for that purpose only.

Fifth. Churches, chapels, and other public buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto and used therewith, so long as the same shall be used for that purpose only.

Sixth. Cemeteries and grave-yards set apart and used for the purpose of interring the dead.

Seventh. The capital stock, library and furniture in use of all literary institutions, library associations and public lyceums.

Eighth. All mechanics', laborers' and miners' tools, implements of husbandry, fire arms, wearing apparel in use, private library, and household furniture in use, not exceeding three hundred dollars in value.

Ninth. The owner or holder of stock in any company liable to taxation or its capital, shall not be taxed as an individual for such stock.

On which the ayes and nays were demanded by Messrs. Ralston, Lind and Kurts, with the following result:

AYES.

Messrs. Kurtz,	Messrs. Snyder,
Lott,	Walkup,
Lyons,	Wombough—7.
Ralston,	

NAYS.

Messrs. De la Guerra,	Messrs. Roach,
Estill,	Sprague,
Foster,	Walton,
Hubbs,	Williams—9.
Lind,	

So the motion to strike out was not agreed to.

Mr. Wombough moved to amend section two by inserting at the end of sub-division eight, "Watches and other jewelry."

Which was not agreed to.

Mr. Walton moved to amend section two by inserting at the end of the fourth sub-division "And without a view to pecuniary gain"

Which was adopted.

On motion of Mr. Walton, the seventh sub-division of section two was struck out.

On motion of Mr. Williams, the eighth sub-division of section two was struck out.

Mr. Walton moved to amend section two of article one by striking out in line twenty-six the word "incorporated," and inserting at the end of the section the following words: "Nor shall any individual or company

be required to pay tax upon the capital invested, and the improvements made by the use of such capital."

Which was adopted.

Mr. Hubbs moved that the Senate concur in the amendment made by the Committee of the Whole, in striking out the first sub-division of article two, on which Messrs. Hubbs, Walkup and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill, Ralston, Sprague, Walkup, Williams—5.

NAYS.

Messrs. Foster, Hubbs, Kurtz, Lott, Lyons, Snyder, Walton, Wombough—8.

No quorum voting.

Mr. Wombough moved a call of the Senate,

Which was not agreed to.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval:

"An Act for the relief of A. G. Hart, M. D."

"An Act to authorize the Comptroller to audit the accounts of the President of the Board of Trustees of the Stockton State Hospital."

"An Act to separate the office of County Recorder from the office of County Clerk in the county of Yuba;" and

"An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language of the Act to provide for the protection of foreigners, and to define their liabilities and privileges."

Report adopted.

Mr. Kurtz moved to adjourn,

On which Messrs. Wombough, Hubbs, and Walkup, demanded the ayes and nays, with the following result:

AYES.

Kurtz, Lind, Lott, Messrs. Ralston, Snyder—5.

NAYS.

Messrs. De la Guerra, Estill, Foster, Sprague, Walkup, Walton,

Messrs. Hubbs,
Lyons,
Roach,
Messrs. Wombough,
Williams—11.

So the Senate refused to adjourn.

The question was then taken upon concurring in the amendment made by the Committee of the Whole, to strike out the first subdivision of article two, as follows:

"From each Attorney and Counsellor at Law, Physician, Surgeon, Dentist, Apothecary or Druggist, practicing or pursuing their several professions, the sum of fifteen dollars per quarter year, for State purposes."

And it was concurred in, and the subdivision struck out by the following ayes and nays, demanded by Messrs. Hubbs, Walkup and Kurtz:

AYES.

Messrs. De la Guerra,
Estill,
Lind,
Lott,
Ralston,
Messrs. Roach,
Snyder,
Sprague,
Williams—9.

NAYS.

Messrs. Foster,
Hubbs,
Kurtz,
Lyons,
Messrs. Walkup,
Walton,
Wombough—7.

Mr. Sprague moved that the Senate concur in the amendment made in Committee of the Whole, to strike out the second subdivision of section one of article two.

Which was agreed to, and it was struck out.

On motion of Mr. Hubbs, the Senate concurred in the amendment made in committee of the whole, to strike out the sixth subdivision of section one of article two.

Mr. Kurtz moved to adjourn.

On which Messrs. Hubbs, Kurtz, and Sprague demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. De la Guerra,
Kurtz,
Messrs. Lind,
Ralston—4.

NAYS.

Messrs. Estill, Foster, Hubbs, Lyons, Roach, Snyder, Sprague, Walkup, Williams—9.

Mr. Foster moved a call of the Senate, which was sustained, and Messrs. Baird, Catlin, Crabb, Coffroth, Hager, Hudspeth, Keene, McKibben, Smith, Wade, and Wombough, were absent.

A quorum being present, on motion of Mr. Foster, the call was suspended.

Mr. Foster moved that the Senate take a recess until half past seven o'clock this evening.

On which Messrs. Hubbs, Sprague and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra, Estill, Foster, Hubbs, Ralston, Roach, Snyder, Sprague, Walkup, Walton—10.

NAYS.

Messrs. Kurtz, Lind, Lott, Lyons, Williams—5.

So the Senate took a recess till 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President in the chair.

A message was received, informing the Senate that the Assembly passed on the 9th instant, with amendments, Senate bill for "An Act to provide for the incorporation of Railroad Companies:"

And Senate bill for "An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay."

And passed a bill for "An Act to provide for the erection of a Jail in Sacramento county."

And on the 11th instant, a Concurrent Resolution granting to each member of the Legislature a copy of the Journals of 1852.

Assembly bill for "An Act to provide for the erection of a jail in Sacramento county, was read twice, and referred,

On motion of Mr. Ralston, to the Sacramento delegation.

On motion of Mr. Ralston, the Concurrent Resolution accompanying the message, was laid upon the table.

Mr. Coffroth moved that the Senate bill accompanying the message, be laid upon the table.

Which was agreed to.

Mr. De la Guerra submitted the following report relative to the harbor of Santa Barbara. (See Appendix, No. 62.

On motion of Mr. Roach, the report was adopted, and the Joint Resolution in relation to the harbor of Santa Barbara, was read a third time and passed.

Mr. Walkup moved to take up Assembly bill for "An Act concerning Roads and Highways."

Which was agreed to.

The amendment reported by the Committee on Roads and Highways, was adopted, the bill read a third time and passed.

Mr. Roach moved to take up Assembly bill for "An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof."

Which was not agreed to.

On motion of Mr. Hubbs, the Senate proceeded to the consideration of the Revenue bill.

Mr. Lott moved that the bill be re-committed to the committee of the whole Senate.

Which was not agreed to.

The amendment, made in committee of the whole, to strike out the sixth subdivision of section one of article two, was concurred in.

On the question of concurring in the amendment of the committee to strike out the seventh subdivision of section one, article two, as follows:

"From each and every insurance company incorporated by the Laws of this State, and transacting an insurance business therein, five hundred dollars per quarter year, payable to the County Treasurer for State purposes."

On which the ayes and nays were demanded by Messrs. Hubbs, Sprague and Williams, and the Senate refused to concur by the following vote:

AYES.

Messrs. Baird, Catlin, Hager, Kurtz, Lott, Roach, Wade—7.

NAYS.

Messrs. Foster, Hubbs, Keene, Lind, Lyons, Ralston, Smith, Sprague, Walkup, Walton, Wombough—11.

The seventh subdivision of section one, article two, was amended on motion of Mr. Baird, by striking out "five hundred," and inserting "two hundred and fifty."

On motion of Mr. Hubbs, the eighth subdivision of section one, article two, was amended by striking out "one thousand," and inserting "five hundred."

The Senate refused to concur in the amendment made in committee of the whole, to strike out the ninth subdivision of section one of article two.

Mr. Hubbs moved to strike out of the ninth subdivision of section one, article two, the word "thirty," and insert "twenty."

Which was not agreed to.

The subdivision was then adopted.

On motion of Mr. Walton, the amendment made, in committee of the whole, to strike out the tenth subdivision of section one, article two, was concurred in.

And the amendment made in Committee of the Whole, to strike out the eleventh sub division of section one, article two, was also concurred in.

Mr. Lind in the chair.

On motion of Mr. Baird article three was amended by striking out the word "not" in the sixty-eighth line.

Mr. Wombough moved to strike out sections one and two of article fourth, as follows:

Of Merchants, and Dealers in Liquors, and Tavern Keepers.

Sec. 1. Every person who may deal in the selling of any goods, wares, and merchandise, wines, or distilled liquors, except the agricultural productions of this State, and except such as are sold by auctioneers or commission merchants under license, or permission according to law, shall quarterly, on or before the first day of April, July, and October, of the present year, and on the first day of January, and quarterly thereafter, pay an amount of money for license, as required by the class in which such person is placed by the Assessor of the county, under the provisions of the succeeding section; *Provided always*, That nothing herein, shall be construed to extend to Physicians, Apothecaries, Surgeons, or Chemists, as to any wines or spirituous liquors which ther may use in the preparation or compounding of medicines for sick persons.

Sec. 2. All merchants and dealers named in section one of this article, except tavern-keepers, auctioneers, and commission merchants, shall be classed by the Assessor of the county according to the amount of their average quarterly sales, in the following manner: Those who are estimated by the Assessor, or who upon filing with the County Treasurer an affidavit that they make average quarterly sales to the amount of three hundred thousand dollars or more, shall constitute the Frst Class. Of one hundred and fifty thousand, and not exceeding three hundred thousand dollars, shall constitute the Second Class. Of one hundred thousand, and not exceeding one hundred and fifty thousand dollars, shall constitute the Third Class. Of sixty thousand, and not exceeding one hundred thousand dollars, shall constitute the Fourth Class. Of forty thousand, and not exceeding sixty thousand dollars, shall constitute the

Fifth Class. Of twenty thousand, and not exceeding forty thousand dollars, shall constitute the Sixth Class. Of ten thousand, and not exceeding twenty thousand dollars, shall constitute the Seventh Class. Of five thousand, and not exceeding ten thousand dollars, shall constitute the Eighth Class. Of sales below five thousand dollars per quarter average, shall constitute the Ninth Class.

The license for First Class shall be given upon payment of two hundred and fifty dollars per quarter.

For the Second Class, upon payment of one hundred and twenty-five dollars per quarter.

For the Third Class, upon payment of eighty dollars per quarter.

For the Fourth Class, upon payment of fifty dollars per quarter.

For the Fifth Class, upon payment of thirty-five dollars per quarter.

For the Sixth Class, upon payment of thirty dollars per quarter.

For the Seventh Class, upon payment of twenty-five dollars per quarter.

For the Eight Class, upon payment of twenty dollars per quarter.

For the Ninth Class, upon payment of fifteen dollars per quarter.

Provided, That the sale of liquors or wines by persons licensed under this section shall not be in less quantities than one quart measure.

The moneys collected for licenses, provided to be granted by sections one and two of this Article, shall be paid to the County Treasurer for State purposes.

On which Messrs. Hubbs, Keene and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Hager,
Sprague,
Messrs. Wade,
Wombough—5.

NAYS.

Messrs. Catlin,
Coffroth,
Foster,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
Messrs. McKibben,
Ralston,
Roach,
Smith,
Snyder,
Walkup,
Walton—15.

So the Senate refused to strike out.

Mr. Walkup offered the following, as a substitute to section second of article two:

Each and every toll bridge or ferry keeper, owner or occupant shall, on the first Monday of June next, and quarterly thereafter, appear before the County Treasurer of the county where tolls on ferriage is collected by him or them, and make an exhibit, under oath, by his or their books, of the

amount of money received for tolls or ferriage for the three months immediately preceding such exhibit, and pay over to the County Treasurer ten per cent. of all moneys collected, as shown by said exhibit; and it shall be the duty of the County Treasurer to receipt for the moneys so received; and the County Auditor shall, on presentation of said receipt, issue a license to and in the name of the owner, keeper or occupant, to keep such ferry or toll bridge for three months from the date of said receipt. When any toll bridge or ferry is situated on a stream dividing counties, the owner or owners, occupant or occupants, shall make the exhibit herein required, and procure a license from both of such counties; and in such cases they shall only be required to pay five per cent. of all moneys collected, to each of said counties. Any owner, owners, occupant or occupants, refusing or neglecting to comply with the provisions of this section, shall be held liable to pay double the amount of license tax herein provided to be paid, with costs of suit. All moneys collected under this section shall be paid into the County Treasury for county purposes.

Mr. Smith moved to amend the substitute, by striking out all between the word "to," in line twenty-five, and the word "any," in line thirty, and inserting the following: "The County Treasurer of the county in which such bridge or ferry is licensed; and it shall be the duty of such County Treasurer to pay over on demand, to the County Treasurer of the adjoining county so separated as aforesaid, one half portion or moiety of the money or moneys so received, for the payment of which he shall be held individually liable. Upon his neglect or refusal to pay over said moneys on demand, suit may be brought against said Treasurer, and the sureties on his official bond, in the name of the county to which said money is due, for the amount so due, and judgment shall be recovered for double the amount so found to be due."

On which Messrs. Hubbs, Lyons and Sprague demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Coffroth,
Foster,
Hager,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
McKibben,
Ralston,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walkup,
Walton—19.

NAYS.

Mr. Wombough—1.

So the amendment was agreed to.

The substitute, as amended, was then adopted.

On motion of Mr. Walkup, section two of article four was amended by inserting at the end of the section, "Except classes eighth and ninth, which shall be paid into the County Treasury, for county purposes."

Mr. Wade moved to strike out section one of article five, as follows:

SECTION 1. Each and every person not being a bona fide resident of this State, and not being a citizen of the United States, who shall be entitled, whether as heir, legatee or donee, to the whole or any part of the succession of a person deceased, whether such person have died in this State or otherwise, shall pay a tax of ten per centum, and all other persons, entitled, as heir, legatee or donee to succession property, two and one half per centum on all sums, or the value of all property which he may actually receive from said succession, or so much thereof as is situated in this State, after deducting debts due by said succession; when the said inheritance, donation or legacy consists of specific property and the same has not been sold, the appraisement thereof in the inventory shall be considered as the value of the property. The amount shall be paid to the Treasurer of the county in which such heir, legatee or donee may reside at the time of receipt of the inheritance, donation or legacy, within thirty days from the receipt thereof, for State purposes; and any person receiving such inheritance, donation or legacy, and neglecting to pay the per centage herein provided, within the said thirty days, shall be liable to pay double the amount of said per centage with costs of suit.

On which Messrs. Wade, Keene and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Coffroth,
Hager,
Smith,
Wade,
Walkup—7.

NAYS.

Messrs. Foster,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
McKibben,
Roach,
Snyder,
Sprague,
Walton,
Wombough—12.

So the Senate refused to strike out.

On motion of Mr. Hubbs, the amendments made, in Committee of the Whole, to section two of article five, were concurred in.

The amendments made to section three of article five were also concurred in, on motion of Mr. Sprague.

President in the chair.

Mr. Sprague moved that the Senate concur in the amendment made by the Committee of the Whole to strike out section four of article five.

Mr. Walton moved to adjourn.

On which Messrs. Wombough, Walkup and Walton demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Smith,
Coffroth,	Snyder,
Keene,	Walton—9.
Lind,	

NAYS.

Messrs. Foster,	Messrs. Sprague,
Hager,	Wade,
Hubbs,	Walkup,
Lyons,	Wombough,
McKibben,	President—10.

The question recurring on the motion to strike out section four,

Mr. Sprague moved to strike out, in line four, "twenty-five," and insert "one hundred and fifty."

Which was not agreed to.

Mr. Wombough moved to strike out "twenty-five," and insert "forty-five." Lost.

Mr. Hubbs moved to strike out "twenty-five," and insert "fifteen."

Which was agreed to.

On motion of Mr. Hubbs, the word "fifteen," in line five, was struck out, and the word "ten," inserted.

Mr. Baird moved to insert in line one of section four of article five, after the words "District Court," the words "Superior Court of San Francisco."

Mr. Lott moved to amend the amendment, by inserting after "San Francisco," "County and Justices' Courts."

On which Messrs. Walton, Hubbs and Lott, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Sprague,
Hager,	Wade,
Lott,	Wombough—7.
Snyder,	

NAYS.

Messrs. Catlin,	Messrs. Lind,
Estill,	Roach,

Foster, Walkup,
Hubbs, Walton—9.
Keene,

So the amendment to the amendment was lost.

The question was then taken on the amendment of Mr. Baird, and it was agreed to.

Mr. Wombough moved a call of the Senate. Lost.

Mr. Lott moved to adjourn. Lost.

The question was then taken on the adoption of section four as amended, as follows: "In the proceedings in civil cases in the District Courts, Superior Court of San Francisco, and in the Supreme Court of this State, on the commencement of an action where a jury trial is waived, the plaintiff shall pay to the Clerk of the court, in all cases where the claim or demand exceeds one thousand dollars, the sum of fifteen dollars; and in all cases where the claim or demand is less than one thousand dollars, the sum of ten dollars; and in any and all other proceedings in civil cases, the sum of five dollars, upon the commencement of the action; and upon filing notice of appeal from a final judgment, a like sum shall be paid by the appellant, as the case may be. Record of the payment so made shall be stated by the Clerk, upon the record of the commencement of the action, or the filing of the notice of appeal."

On which Messrs. Hubbs, Wade and Sprague, demanded the ayes and nays.

And the Senate refused to adopt the section by the following vote:

AYES.

Messrs. Foster, Messrs. Walkup,
Hubbs, Walton,
Lind, Wombough—6.

NAYS.

Messrs. Baird, Messrs. Roach,
Estill, Snyder,
Hager, Sprague,
Keene, Wade—9.
Lott,

The amendments made in Committee of the Whole, to strike out sections five and six of article five, were concurred in.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, April 13, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Lott, Chairman of the Committee on Claims, reported back the accounts of George Dingley, John Taylor and Lawrence McMahon, with a bill for "An Act to provide for the payment of certain persons therein named for services rendered and materials furnished," and recommended its passage.

The report was accepted, and the bill read a first and second time, when

On motion of Mr. Lott, the rules were suspended, the bill was considered engrossed, read a third time and passed.

The President laid before the Senate the following report from the Liquor Gauger of the port of San Francisco. (See Appendix, No. 63.)

The report was accepted and laid upon the table.

Mr. Wade gave notice that he would, on to-morrow, introduce a bill to authorize the Comptroller of State, to issue to A. D. Blanchard, a warrant in place of certain lost warrants therein described.

On motion of Mr. Coffroth, Senate bill for "An Act to provide for the incorporation of Railroad Companies," was taken under consideration.

Mr. Coffroth moved that the Senate concur in the Assembly amendment to the bill.

Which was agreed to.

Mr. Smith, on leave, introduced a bill for "An Act to fix the times of holding the terms of the District Court in the Tenth Judicial District," which was read twice, and referred,

On motion of Mr. Smith, to the delegation from that district.

On motion of Mr. Coffroth, Assembly bill for "An Act to ascertain and provide for the payment of the debt due from Sierra County to Yuba County," was taken from the table.

The bill was then read a third time and passed.

On motion of Mr. Roach, Assembly bill for "An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof," was taken under consideration.

Mr. Coffroth moved to lay the bill upon the table.

Lost.

Mr. Roach offered a substitute to the bill, which the Chair ruled out of order, because the bill had passed its third reading.

Mr. Coffroth again moved to lay the bill upon the table.

Which was not agreed to.

After some discussion,

On motion of Mr. Walton, the bill was laid upon the table.

Mr. Smith moved that the Senate proceed to the consideration of Senate bill for "An Act to amend an Act entitled an Act concerning Toll Bridges."

Which was agreed to.

The bill was then read a third time;

And on the question of its passage, the ayes and nays were demanded by Messrs. Lyons, Hubbs and Smith, with the following result:

AYES.

Messrs. Baird,	Messrs. Ralston,
Crabb,	Smith,
Coffroth,	Snyder,
De la Guerra,	Sprague,
Estill,	Wade,
Foster,	Walkup,
Hudspeth,	Walton,
Keene,	Wombough,
Lott,	Williams—18.

NAYS.

Messrs. Catlin,	Messrs. Lyons,
Hager,	Roach—5.
Hubbs,	

So the bill was passed.

Mr. Hager, Chairman of the Committee on Corporations, reported back, with an amendment, Assembly bill for "An Act to provide for the incorporation of Wagon Road Companies," and recommended its passage.

The report was accepted and laid upon the table.

On motion of Mr. Crabb, Senate bill for "An Act to prevent fraud in Elections," was taken from the table and referred to the Committee on Elections.

Mr. Keene moved that Senate bill for "An Act to establish an Asylum for the Insane of the State of California," be taken from the table.

Which was agreed to.

On motion of Mr. Lind, the Senate as committee of the whole, Mr. Sprague in the chair, proceeded to consider the bill, and having made some progress,

On motion of Mr. Lind, the committee rose and reported the bill back to the Senate.

President in the chair.

Mr. Walton moved that the bill be re-committed to the Committee on State Hospitals, with instructions.

Mr. Crabb moved to lay the bill upon the table.

Which was not agreed to.

Mr. Crabb moved a call of the Senate.

On which Messrs. Smith, Crabb and Lind demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Crabb,	Smith,
Coffroth,	Walton,
De la Guerra,	Wombough,
Hager,	Williams—10.

NAYS.

Messrs. Estill,	Messrs. Lott,
Hubbs,	Roach,
Keene,	Sprague,
Kurtz,	Walkup—9.
Lind,	

So the call was sustained, and Messrs. Baird, Foster, Gruwell, Hudspeth, McKibben, Ralston, Snyder and Wade were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Ralston was excused from the action of the call.

On motion of Mr. Keene, further proceedings under the call were suspended.

Mr. Keene then moved that the Senate take a recess until half past seven this evening.

Which was not agreed to.

Mr. Crabb moved to adjourn.

Lost.

The question recurring on the motion to re-commit, the ayes and nays were demanded, when

Mr. Crabb moved to adjourn.

On which Messrs. Lyons, Lind and Hubbs demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Catlin,	Messrs. Hudspeth,
Crabb,	Ralston,
De la Guerra,	Smith—6.

NAYS.

Messrs. Coffroth,	Messrs. Lyons,
Estill,	Roach,
Foster,	Snyder,
Hager,	Sprague,
Hubbs,	Walkup,

Messrs. Keene, Lind, Lott, Messrs. Walton, Wombough, Williams—16.

A message was received from the Governor, informing the Senate that he approved on the 12th instant, "An Act to authorize the Secretary of State to procure the translation and lithographing into the Chinese language of the Act to provide for the Protection of Foreigners, and to define their liabilities and privileges;" and

"An Act for the relief of A. G. Hart, M. D."

A message was also received from the Governor, informing the Senate, that he had, this day, appointed H. Harrison, Jeremiah Urie, David Galloway and Frederick Schauders, Pilots for the port and harbor of Benicia, subject to the approval of the Senate.

The message was laid upon the table.

A message was received, informing the Senate that the Assembly passed, yesterday, Senate bill for "An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers under Capt. B. Wright and Charles McDermitt, in protecting the overland immigration on the north-eastern frontier."

And Assembly bill for "An Act for the relief of Wm. Waldo;"

And "An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851."

Assembly bill for "An Act for the relief of William Waldo, was read twice, and referred,

On motion of Mr. Lyons, to the Committee on Claims.

Assembly bill for "An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento," was read twice, when

Mr. Lott moved its reference to the Committee on Corporations.

Mr. Ralston moved its reference to the delegation from Sacramento county.

The question was first taken on the reference to the Committee on Corporations, and agreed to.

The question recurring on the motion to re-commit Senate bill for "An Act to establish an Asylum for the Insane of the State of California, with instructions."

The ayes and nays were demanded by Messrs. Walton, Lind and Keene, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Estill, Foster, Hubbs, Hudspeth, Keene, Lind, Messrs. Lott, Lyons, Roach, Smith, Sprague, Walkup, Williams—15.

NAYS.

Messrs. Catlin, Messrs. Ralston,
Crabb, Snyder—5.
Hager,

So the bill was re-committed.

Mr. Lott moved that Senate bill for "An Act amendatory of, and supplementary to the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," be taken from the table, and made the special order for to-morrow, and every day thereafter until disposed of.

Agreed to.

Mr. Crabb, on leave, introduced a bill for "An Act additional to an Act concerning Judges of the Plains, (Jueces del Campos,) and defining their duties," passed April 25, 1851.

Which was read twice, and referred to the Committee on Missions and Mission Lands.

Mr. Williams, on leave, introduced a bill for "An Act to authorize S. G. Whipple, J. F. Wendall and others, to build a wharf at Crescent city in the county of Klamath."

Which was read twice, and referred,

On motion of Mr. Lott, to the Committee on Corporations.

Mr. Smith moved to adjourn.

Lost.

Mr. Hubbs moved to take a recess until 7½ o'clock, P. M.

Not agreed to.

On motion of Mr. Hager, the Senate took under consideration Assembly bill for "An Act to provide for the incorporation of Wagon Road Companies."

Mr. Lyons in the chair.

Mr. Hager moved to amend the bill.

Mr. Wombough moved to lay the bill upon the table.

Agreed to.

Mr. Smith moved to adjourn.

On which Messrs. Sprague, Wombough and Coffroth demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. De la Guerra, Messrs. Ralston,
Estill, Smith,
Lind, Williams—7.
Lyons,

NAYS.

Messrs. Catlin, Messrs. Roach,
Crabb, Snyder,
Coffroth, Sprague,

Messrs. Foster,
Hager,
Keene,
Lott,
Messrs. Walkup,
Walton,
Wombough—13.

Mr. Smith moved a call of the Senate.
Not sustained.
Mr. Coffroth moved to adjourn.
On which Messrs. Smith, Catlin and Walkup demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth,
De la Guerra,
Estill,
Hudspeth,
Messrs. Lind,
Lyons,
Smith,
Williams—8.

NAYS.

Messrs. Catlin,
Crabb,
Foster,
Hager,
Keene,
Lott,
Messrs. Roach,
Snyder,
Sprague,
Walkup,
Walton,
Wombough—12.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Thursday, April 14, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Catlin presented a memorial from residents of Natoma, Sacramento county, praying the passage of a law for the better observance of the Sabbath, and moved its reference to the Committee on Public Vice and Immorality.

Agreed to.

Mr. Sprague, from the Judiciary Committee, reported back, with amendments, Assembly bill for An Act to amend the fourth section of an Act respecting fugitives from labor, and slaves brought into this State prior to her admission into the Union, approved April 15, 1852, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for An Act for the relief of Lawrence McMahon, and recommended its indefinite postponement.

The report was adopted, and the bill indefinitely postponed.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported as correctly enrolled—

"An Act supplementary to an Act regulating public Ferries," passed March 18, 1850;

"An Act for the relief of William Akenhead, County Treasurer of the county of Santa Clara;"

"An Act to provide for the formation of Corporations for certain purposes;" and

"An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay."

Report adopted.

On motion of Mr. Coffroth, Assembly bill for An Act to provide for the Compilation and Publication of the Laws of the State of California, and the payment thereof, was taken under consideration.

The bill having been read a third time, the question was on its passage, when

Mr. Coffroth moved that it be recommitted to a special committee of three, with special instructions.

Which was unanimously agreed to; and the Chair appointed as the committee, Messrs. Coffroth, Catlin, and Keene.

The President stated that the time had arrived for the consideration of the special order of the day, being "An Act amendatory of and supplementary to the Act to regulate proceedings in civil cases in the Courts of Justice of this State," when,

On motion of Mr. Coffroth, it was laid upon the table.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported that the Committee had this day presented to the Governor, for his approval,

"An Act supplementary to an Act regulating Public Ferries," passed March 18, 1850;

"An Act for the relief of William Akenhead, County Treasurer of the county of Santa Clara;"

"An Act to provide for the formation of Corporations for certain purposes;" and

"An Act in relation to Clerks in the office of Secretary of State, and to provide for their pay."

The report was adopted.

Mr. Crabb, Chairman of the Committee on Elections, reported back Senate bill for "An Act supplemental to an Act to regulate Elections," passed March 23d, 1850; and Senate bill for "An Act to prevent fraud in Elections." And recommended their passage.

The report was accepted, and laid upon the table.

Mr. Crabb, on leave, introduced a bill for "An Act to amend the Sixteenth Section of an Act to provide for the Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt," passed April 20, 1852. Which was read twice, when,

On motion of Mr. Crabb, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act concerning Estrays," and that the word "two" had been struck out in the twelfth section, and the word "fifty" inserted.

The report was adopted

Mr. Hager, Chairman of the Committee on Corporations, reported back without amendments, Assembly bill for "An Act amendatory of an Act to Incorporate the City of Sacramento," and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Coffroth in the chair.

Mr. Hubbs introduced the following resolution:

Resolved, That a bill for "An Act to provide revenue for the support of the Government of this State," be referred to a select committee, to consist of Messrs. Walton, Walkup, Foster, Catlin and Sprague.

Mr. Hager moved to amend by adding Mr. Snyder to the committee.

Which was agreed to.

On motion of Mr. Lott, the rules were suspended, and the resolution passed.

Mr. Smith, from the Select Committee to whom was referred Senate bill for "An Act to fix the time for holding terms of the District Court in the tenth judicial district," reported the same back with an amendment, and recommended its passage.

The report was accepted, when

Mr. Sprague moved to recommit the bill to a select committee of one

from each judicial district, with instructions to bring in a general bill for fixing the times of holding court therein.

Which was agreed to.

And the Chair announced as the committee:

First District,	Mr. Foster,
Second District,	De la Guerra,
Third District,	Roach,
Fourth District,	Hager,
Fifth District,	Wade,
Sixth District,	Catlin,
Seventh Dirtrict,	Hudspeth,
Eighth District,	Williams,
Ninth District,	Sprague,
Tenth District,	Smith,
Eleventh District,	Walkup.

Mr. Wade, agreeably to notice, introduced a bill for "An Act to authorize the Comptroller of State to issue to A. D. Blanchard certain warrants payable out of the War Fund."

Which was read twice, and

Referred, on motion of Mr. Wade, to the Committee on Claims.

On motion of Mr. Wombough, Senate bill for "An Act to prescribe the mode of Petitioning for Pardons," was taken under consideration.

Mr. Lind moved to lay it upon the table.

Not agreed to.

Mr. Wombough moved to strike out the following words in section one: "or on behalf of any person or persons convicted of any crime, the punishment of which is capital, under the laws of this State, and sentenced to such punishment, shall be made and conducted according to the provisions of this Act."

On which Messrs. Wombough, Wade and Lyons, demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Hudspeth,
Coffroth,	Keene,
De la Guerra,	Lind,
Estill,	Lott,
Foster,	Snyder—10.

NAYS.

Messrs. Baird,	Messrs. Sprague,
Catlin,	Wade,
Lyons,	Walkup,
Roach,	Wombough—8.

So the motion to strike out was agreed to.

Section two was also amended, on motion of Mr. Wombough, when,

Mr. Sprague moved a suspension of the rules, and that the bill be considered engrossed, and read a third time.

Which was not agreed to.

Mr. Wombough moved that the bill be ordered engrossed for a third reading.

Which was agreed to.

Mr. Crabb, from the Judiciary Committee, submitted a report recommending the passage without amendment, of Assembly bill for An Act to amend the fourth section of an Act respecting fugitives from labor, and slaves brought into this State prior to her admission into the Union, approved April 15, 1852.

The report was accepted.

On motion of Mr. Lind, the Secretary was instructed to request the Assembly to return to the Senate, Assembly bill for An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county.

On motion of Mr. Crabb, Assembly bill for "An Act to amend the fourth section of an Act respecting fugitives from labor, and slaves brought into this State prior to her admission into the Union, approved April 15, 1852;" was taken under consideration.

Mr. Lind moved that the Senate concur in the following amendments, reported by Mr. Sprague, from the Judiciary Committee:

Strike out the words,

"Admission of this State as one of the United States of America," and insert,

"Adoption of the Constitution of this State by the people;" and strike out the following words:

"*Provided*, the provisions of this section shall have force and effect until the 15th of April, 1854, but not beyond that period."

On which the ayes and nays were demanded by Messrs. Hudspeth, Crabb, and Sprague, with the following result:

AYES.

Messrs.	Coffroth,	Messrs.	Lind,
	De la Guerra,		Lott,
	Foster,		Sprague,
	Hager,		Walton—9.
	Kurtz,		

NAYS.

Messrs.	Baird,	Messrs.	Roach,
	Crabb,		Smith,
	Estill,		Snyder,
	Hubbs,		Wade,
	Hudspeth,		Walkup,
	Keene,		Wombough,
	Lyons,		Williams—15.
	McKibben,		

So the amendments were not agreed to.

Mr. Hubbs moved to amend the bill by striking out the 15th April, and inserting 1st January, 1854.

Which was not agreed to.

Mr. Smith moved that the bill be read a third time.

Mr. Sprague moved a call of the Senate.

On which, Messrs. Walton, Kurtz, and Sprague demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Kurtz,
Coffroth,	Lind,
De la Guerra,	Lott,
Foster,	Lyons,
Hager,	Roach,
Hubbs,	Sprague,
Keene,	Walton—14.

NAYS.

Messrs. Baird,	Messrs. Snyder,
Estill,	Wade,
Hudspeth	Walkup,
McKibben,	Wombough,
Smith,	Williams—10.

So the call was sustained, and Messrs. Catlin, Gruwell, and Ralston were absent.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

Mr. Crabb moved a suspension of the call.

Not agreed to.

Mr. Estill moved that further proceedings under the call be suspended.

Lost.

Mr. Crabb moved a suspension of the call.

Not agreed to.

Mr. De la Guerra, moved that the call be suspended.

Lost.

The Sergeant-at-Arms returned, and stated that he was unable to find Mr. Catlin, and that Mr. Ralston was sick, when

On motion of Mr. Keene, further proceedings under the call were suspended.

Mr. Walton moved to lay the bill upon the table.

On which, Messrs. Sprague, Walton, and Crabb, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth, De la Guerra, Hager, Hubbs, Lind, Lott, Sprague, Walton—8.

NAYS.

Messrs. Baird, Crabb, Estill, Foster, Hudspeth, Keene, Kurtz, Lyons, McKibben, Roach, Smith, Snyder, Wade, Walkup, Wombough, Williams—16.

The question recurring on the motion to read the bill a third time, the ayes and nays were demanded by Messrs. Hudspeth, Wade, and Crabb, with the following result:

AYES.

Messrs. Baird, Crabb, Coffroth, Estill, Hubbs, Hudspeth, Keene, Kurtz, Lyons, McKibben, Roach, Smith, Wade, Walkup, Wombough, Williams—16.

NAYS.

Messrs. De la Guerra, Foster, Hager, Lind, Lott, Snyder, Sprague, Walton—8.

So the bill was read a third time.

The question was then taken on the passage of the bill, and the ayes and nays were demanded by Messrs. Sprague, Keene and Wade, with the following result:

AYES.

Messrs. Baird, Catlin, Lyons, McKibben,

Messrs. Crabb,
Coffroth,
Estill,
Hubbs,
Hudspeth,
Keene,
Messrs. Roach,
Smith,
Wade,
Walkup,
Wombough,
Williams—16.

NAYS.

Messrs. De la Guerra,
Foster,
Hager,
Kurtz,
Lind,
Messrs. Lott,
Snyder,
Sprague,
Walton—9.

So the bill was passed.

On motion of Mr. Crabb, the title of the bill was amended so as to read An Act to amend an Act respecting Fugitives from Labor, and Slaves brought to this State prior to her admission into the Union, approved April 15, 1852.

A message was received from the Governor, informing the Senate that he approved this day—

An Act in relation to clerks in the office of the Secretary of State, and to provide for their pay.

An Act supplementary to an Act creating and regulating Public Ferries, passed March 18, 1850.

An Act for the relief of William Akenhead, County Treasurer of the county of Santa Clara.

An Act to provide for the formation of Corporations for certain purposes.

A message was received informing the Senate that the Assembly passed, on yesterday, Senate bill for "An Act to provide for the payment of Beverly C. Saunders;" expenses incurred by order of the Governor in December, 1851, for the suppression of Indian hostilities in the county of San Diego.

And Assembly bill for "An Act to provide for the payment of certain persons therein named, for work done and materials furnished."

The bill was read twice and referred, on motion of Mr. Keene, to the Committee on Claims.

Mr. Coffroth moved that the twenty-fifth standing rule of the Senate be suspended, to wit: When a question has once been put and decided it shall be in order for any member voting in the majority to move for the reconsideration thereof, but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion upon which the vote was taken, shall have gone out of possesion of the Senate, nor after the usual message shall have been sent from the Senate, announcing its decisions; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

Which was agreed to.

Mr. Coffroth then moved that the vote on the passage of Assembly bill for "An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county," be reconsidered. [The bill had been sent to the Assembly.]

Mr. McKibben moved to lay the motion to reconsider upon the table.

Which was agreed to.

Mr. Catlin moved to take from the table Assembly bill for an Act amendatory of "An Act to incorporate the city of Sacramento," passed 1851.

Which was agreed to,

The bill was then read a third time and passed.

Mr. Walton offered the following resolution:

Resolved, That the Committee on State Hospitals be authorized to proceed to San Francisco for the purpose of instituting an examination into the affairs of the Marine State Hospital; and in the examination hereby authorized, the Committee shall have power to send for persons and papers.

The resolution was adopted.

Senate bill for "An Act concerning Estrays," was read a third time, when

Mr. Crabb moved to adjourn.

Which was agreed to.

And the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, April 15, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Thursday was read,

When Mr. Catlin, who was absent when the vote was taken, asked and

was granted the unanimous leave of the Senate to have his vote recorded in the affirmative on the passage of Assembly bill for An Act to amend an Act respecting fugitives from labor, and slaves brought to this State prior to her admission into the Union.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to provide for the payment of Beverly C. Saunders' expenses, incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the county of San Diego."

The committee report, that in the third line of section third of "An Act authorizing the Treasurer of State to issue bonds for the payment of expenses of Volunteer Rangers, under Capt. B. Wright and Charles McDermitt, in protecting the overland emigration on the northeastern frontier," the words "be examined," were erased, and the words "be again examined," inserted, to correspond with the engrossed bill.

The report was adopted.

Mr. Sprague, from the Judiciary Committee, reported back, with amendments, Senate bill for An Act concerning Notaries Public, and recommended its passage.

The report was accepted and laid upon the table.

Mr. Hager, Chairman of the Committee on Corporations, reported back Senate bill for An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent city, in the county of Klamath, and recommended its passage with amendments.

The report was accepted and laid upon the table.

Mr. Snyder, Chairman of the Select Committee to examine the work done at the present State Prison site, submitted the following report. (See Appendix No. 64.)

The report was accepted; when Mr. Smith moved that one thousand copies be printed.

Mr. Sprague moved, as an amendment, that four hundred and eighty copies be printed.

Which was agreed to, and the printing so ordered.

Mr. Snyder, from the same committee, reported a bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," as a substitute for the bill submitted to the committee.

On motion of Mr. Crabb, the bill was ordered printed, and the report submitted by the select committee, and the bills in relation to the State Prison contract, were made the special order for Tuesday next and every day thereafter until disposed of.

Mr. Coffroth, Chairman of the Select Committee to whom was referred Assembly bill for "An Act to provide for compilation and publication of the Laws of the State of California and the payment thereof," with special instructions, reported back

"An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof," as a substitute.

The substitute was adopted, and read a first and second time; when,

On motion of Mr. Coffroth, the rules were suspended, the bill considered engrossed, read a third time, and

On the question of its passage, the ayes and nays were demanded by

Messrs. Lyons, Coffroth and Keene, and the bill was passed by the following vote:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	McKibben,
Crabb,	Ralston,
Coffroth,	Roach,
Estill,	Smith,
Foster,	Snyder,
Hager,	Sprague,
Hubbs,	Wade,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lind,	Williams—25.
Lott,	

NAYS—none.

Mr. Hager, Chairman of the Committee on Corporations, reported back a bill for "An Act supplementary to an Act to incorporate the city of Los Angeles," and recommended its passage with an amendment.

The report was accepted and laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the payment of certain persons therein named, for work done and materials furnished," and recommended its passage.

The report was accepted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to amend the sixteenth section of an Act to provide for the Funding the Debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt," passed April 20th, 1852.

Report adopted.

Mr. Lind offered the following resolution:

Resolved, By the Senate, the Assembly concurring, That no new business shall be introduced after Saturday, the 7th day of May, 1853, and that the Legislature adjourn *sine die* on Wednesday, the 11th of May, at 2 o'clock, P. M.

Mr. Lott moved to lay it upon the table.

Lost.

The question was taken on the adoption of the resolution, and the ayes and nays were demanded by Messrs. Lind, Kurtz and Lyons, with the following result:

AYES.

Messrs. Baird, Coffroth, De la Guerra, Estill, Foster, Hager, Hudspeth, Keene, Kurtz, Lind, Lyons, Snyder, Sprague, Walton, Williams—15.

NAYS.

Messrs. Catlin, Crabb, Hubbs, Lott, McKibben, Ralston, Roach, Smith, Wade, Walkup, Wombough—11.

So the resolution was adopted.

A message was received, informing the Senate that the Assembly passed, on yesterday, "An Act to amend an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851; also,

"An Act to provide for enforcing the collection of Taxes on consigned goods;" also,

"An Act supplementary to an Act to incorporate the city of Sacramento," passed 1851;

And passed Senate bill for "An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22d, 1850," with amendments; also,

"An Act in relation to the Interest on the Funded Debt of 1852," with amendments.

And indefinitely postponed Senate bill for "An Act to define the jurisdiction of counties separated by rivers and water courses;" also,

Senate bill for "An Act to authorize poor persons in certain cases to prosecute suits without the payment of costs and;"

Senate bill for "An Act to amend an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," passed April 22d, 1850.

Assembly bill for "An Act supplementary to an Act to incorporate the city of Sacramento," passed 1851, was read twice and referred, on motion of Mr. Ralston, to the delegation from Sacramento county.

On motion of Mr. Lott, the Secretary was instructed to request the Assembly to return "An Act amendatory of an Act to incorporate the city of Sacramento," passed 1851.

Assembly bill for "An Act to provide for enforcing the collection of

taxes on consigned goods," was read twice and referred, on motion of Mr. Hager, to the Committee on Corporations.

Assembly bill for "An Act to amend an Act dividing the State into Counties and establishing the Seats of Justice therein," passed April 25th, 1851, was read a first and second time and referred, on motion of Mr. Smith, to the Committee on Counties and County Boundaries.

Senate bill for "An Act in relation to the Interest on the Funded Debt of 1852," amended by the Assembly, was, on motion of Mr. Walton, referred to Committee on Finance.

The Senate refused to concur in Assembly amendments to Senate bill for "An Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22d, 1850.

Mr. Crabb moved to take from the table Senate bill for "An Act to repeal an Act to provide for the appointment of a Gauger for the Port of San Francisco," passed May 3d, 1852.

On which the ayes and nays were demanded by Messrs. Wade, Smith and Crabb, with the following result:

AYES.

Messrs. Catlin,	Messrs. McKibben,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Wade,
Foster,	Williams—11.
Hudspeth,	

NAYS.

Messrs. Estill,	Messrs. Smith,
Hubbs,	Sprague,
Lind,	Walkup,
Lott,	Walton—9.
Lyons,	

So the motion was agreed to.

The bill having been read a third time, the question was on its passage, when Mr. Hubbs moved a call of the Senate, which was sustained; and Messrs. Baird, Gruwell, Hager, Keene, Kurtz and Snyder were absent.

The Sergeant-at-Arms was despatched for the absentees.

Messrs. Baird, Keene, Kurtz, Hager and Snyder appeared and were admitted.

On motion of Mr. Walton, further proceedings under the call were suspended.

The question recurring on the passage of the bill, the ayes and nays were demanded by Messrs. Wade, Smith and Crabb, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Foster, Hager, Hudspeth, Lind, McKibben, Roach, Wade, Walkup—12.

NAYS.

Messrs. Estill, Hubbs, Keene, Kurtz, Lott, Lyons, Ralston, Snyder, Sprague, Walton, Wombough, Williams, President—13.

So the Senate refused to pass the bill.

Mr. McKibben moved to take from the table Senate bill for "An Act to repeal an Act to provide for the Inspection of Flour," approved May 3d, 1852.

On which Messrs. Crabb, Hubbs and McKibben demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Foster, Hager, Hudspeth, Kurtz, McKibben, Ralston, Roach, Smith, Wade, Walkup—14.

NAYS.

Messrs. Estill, Hubbs, Keene, Lind, Lott, Lyons, Snyder, Sprague, Walton, Wombough, Williams—11.

So the motion was agreed to.

Mr. McKibben moved that the bill be made the special order of the day for next Monday week, at 7 o'clock, P. M.

On which Messrs. Hubbs, Wade and McKibben demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Foster, Hager, McKibben, Ralston, Roach, Smith, Snyder, Wade, Williams—13.

NAYS.

Estill, Hubbs, Hudspeth, Keene, Kurtz, Lind, Messrs. Lott, Lyons, Sprague, Walkup, Walton, Wombough—12.

On motion of Mr. Crabb, the Committee, to whom was referred the bill, was instructed to report the same back on Monday week, at 7 o'clock, P. M.

Senate bill for "An Act concerning Estrays," was read a third time.

And on the question of its passage, the ayes and nays were demanded by Messrs. Lind, Sprague and De la Guerra, and the bill was passed by the following vote:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, Estill, Foster, Hager, Hudspeth, Keene, Kurtz, Lott, Lyons, McKibben, Ralston, Roach, Smith, Snyder, Wade, Walkup—19.

NAYS.

Messrs. Hubbs, Lind, Mr. Sprague—3.

Mr. Foster, on leave, introduced a bill for "An Act to authorize the

Board of Supervisors of Los Angeles county to lay a special tax for the erection of County Buildings," which was read twice; when,

On motion of Mr. Foster, the rules were suspended, the bill was considered engrossed, read a third time and passed.

On motion of Mr. Walton, Mr. Hubbs was added to the Select Committee to whom was referred the consideration of the Revenue bill.

Mr. Coffroth gave notice that five days after this date he would introduce a bill to repeal the Liquor Gauger law at San Francisco.

On motion of Mr. Walton, the twenty-fifth standing rule of the Senate was suspended.

Mr. Catlin then moved that the vote on the passage of Assembly bill for an Act amendatory of "An Act to incorporate the city of Sacramento" be reconsidered.

On motion of Mr. McKibben, the motion to reconsider was laid upon the table,

On motion of Mr. Walton, Assembly bill for "An Act to provide for the incorporation of Wagon Road Companies," was taken under consideration.

Mr. Wade in the chair.

The amendment reported by the Committee on Corporations was concurred in, and the bill read a third time and passed.

Mr. Keene moved that when the Senate adjourn, it will meet at 7½ o'clock, P. M.

Which was agreed to.

And Senate bill for an Act amendatory of and supplementary to the "Act to regulate proceedings in civil cases in the Courts of Justice of this State," was made the special order for that time.

On motion of Mr. Keene, Senate bill for "An Act concerning Notaries Public," was taken from the table, and the Senate proceeded to consider the bill; when

Mr. Walton moved to adjourn.

On which Messrs. Coffroth, McKibben and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
De la Guerra,
Estill,
Hager,
Keene,
Lind,
Lott,
Lyons,
Snyder,
Sprague,
Wade,
Walkup,
Walton—13.

NAYS.

Messrs. Catlin,
Coffroth,
Hubbs,
Roach,
Smith,
Wombough,

Messrs. Hudspeth, McKibben, Mr. Williams—9.

So the Senate adjourned to meet at 7½ o'clock, P. M.

EVENING SESSION.

7½ o'clock, P. M.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

The Senate as in committee of the whole, proceeded to the consideration of the special order of the evening, being—

Senate bill for an Act amendatory of and supplementary to the "Act to regulate proceedings in civil cases in the Courts of Justice of this State," and having considered the same for some time,

On motion of Mr. Wade the Committee rose, reported progress, and asked leave to sit again.

Which was granted.

A message was received from Assembly, returning to the Senate, Assembly bill for an Act amendatory of "An Act to incorporate the city of Sacramento," passed 1851.

Mr. Catlin moved that the motion made to reconsider the vote on the passage of the bill, and laid upon the table, be now reconsidered.

Which was agreed to.

On motion of Mr. Catlin, the votes on the passage and third reading of the bill was reconsidered.

Mr. Catlin then moved its reference to the delegation from Sacramento county.

Which was agreed to.

On motion of Mr. Wade, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, April 16, 1853.

The Senate met pursuant to adjournment.
Hon. B. F. Keene, President *pro tem.* in the chair.
The Journal of Friday was read and approved.
Mr. Coffroth, on leave, introduced a bill for An Act for the issue of a plicate War Loan Fund Warrant, and moved its reference to the Committee on Claims.
The bill was read twice, and so referred, together with the affidavit of muel Stevens submitted therewith.
Mr. Kurtz presented the accounts of S. C. Gray, James Taylor, John Neff, Neville and Kirby, and the steamer Senator, against the State,

On motion of Mr. Lyons, they were referred to Committee on Claims.
Mr. Foster, on leave, introduced a bill for An Act supplementary to an t to provide for the appointment and prescribe the duties of Guardians, sed April 19th, 1850.
Which was read twice, and referred, on motion of Mr. Foster, to the mmittee on the Judiciary.
Mr. Sprague, from the Judiciary Committee, reported back, without eedments, Assembly bill for An Act to authorize County Recorders to minister oaths, and recommended its rejection.
Mr. Sprague, from the same Committee, also reported back, without endment, Senate bill for an Act to authorize Alexander Young to con· ct a bridge across Clear Creek in the county of Shasta, and recomded its passage.
Mr. Sprague, from the same Committee, also reported back Senate bill An Act to amend the third section of an Act concerning Divorces, sed March 25, 1851 ; and recommended its passage, with an amendt.
The reports were accepted, and laid upon the table.
Mr. Lyons, Chairman of the Committee on Engrossment, reported as ectly engrossed,
oncurrent Resolution to adjourn *sine die*, on Wednesday, 11th day of , at 2 o'clock, P. M.
n Act to authorize the Board of Supervisors of Los Angeles county to a Special Tax for the erection of County Buildings ; and
n Act to prescribe the manner of applying for pardons.
eport adopted.
Mr. Lind, Chairman of the Committee on Enrollment, reported as cor· y enrolled,
int Resolution in relation to the harbor of Santa Barbara.
eport adopted.
Mr. Hubbs, Chairman of the Select Committee of five to whom was

referred Assembly bill for An Act to dispose of the interests of the State of California in certain property and quiet the title thereto, submitted the following report. (See Appendix No. 65.)

The report was accepted, when

Mr. Crabb moved that one thousand copies be printed.

Which was agreed to.

On motion of Mr. Crabb, two hundred and forty copies of the amendments to the bill were ordered printed.

Mr. Crabb moved that the whole subject be made the special order for Tuesday next.

Which was agreed to.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back, without amendment, Assembly bill for An Act for dividing the county of Los Angeles, and making a new county therefrom; and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval:

"An Act to provide for the payment of Beverly C. Sanders' expenses, incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the county of San Diego;"

"An Act authorizing the Treasurer of State to issue Bonds for the payment of the expenses of Volunteer Rangers, under Captains B. Wright and Charles McDermitt, in protecting the Overland Emigration on the northeastern frontier."

And that they have deposited in the Secretary of State's Office, "Joint Resolution in relation to the Harbor of Santa Barbara."

Report adopted.

Mr. Coffroth, on leave, introduced a bill for "An Act to provide for the better collection of Taxes in certain cases."

Which was read twice, and referred, on motion of Mr. Coffroth, to the Committee on Finance.

Senate bill for "An Act to prescribe the manner of applying for Pardons," on its third reading, was,

On motion of Mr. Smith, laid upon the table.

Mr. Lott moved that Assembly bill for "An Act to provide for the payment of certain persons therein named, for work done and materials furnished," be taken from the table.

Which was agreed to.

The bill was read a third time and passed.

A message was received informing the Senate that on yesterday, the Assembly passed "An Act to amend an Act concerning the office of County Assessor," passed March 27, 1850.

And returned to the Senate, pursuant to request, Assembly bill for "An Act to ascertain and provide for the payment of the Debt due from Sierra County to Yuba County."

Assembly bill for "An Act to amend an Act concerning the office of County Assessor, was read twice, and

Referred, on motion of Mr. Lyons, to the Committee on Finance.

On motion of Mr. Wade, the votes on the passage and third reading

Assembly bill for "An Act to ascertain and provide for the payment of the Debt due from Sierra County to Yuba County," were reconsidered.

Mr. Wade moved to refer the bill to the Senator from Yuba and Sierra Counties.

Mr. Walton moved to lay the bill upon the table.

Which was agreed to.

Mr. Hubbs, Chairman of the Finance Committee, to whom was referred Assembly amendments to Senate bill, for "An Act in relation to Interest on the Funded Debt of 1852," reported the same back, and recommended that the Senate do not concur in the amendments.

On motion of Mr. Lott, the report was adopted.

On motion of Mr. Wombough, Senate bill for "An Act to prescribe the manner of applying for Pardons," was taken from the table.

The bill was then read a third time, and on the question of its passage,

The ayes and nays were demanded by Messrs. Ralston, Foster and Lind, with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
Coffroth,	Sprague,
De la Guerra,	Wombough,
Estill,	Williams—8.

NAYS.

Messrs. Catlin,	Messrs. Lott,
Foster,	Ralston,
Hubbs,	Roach,
Hudspeth,	Wade,
Keene,	Walkup—11.
Lind,	

So the Senate refused to pass the bill.

Mr. Crabb was excused from voting.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act concerning Roads and Highways."

Report adopted.

The Senate then, as in Committee of the Whole, (Mr. Lyons in the chair,) took under consideration Senate bill for "An Act amendatory of, and supplementary to, an Act to regulate proceedings in Civil cases in the Courts of Justice of this State." and having made sundry amendments thereto,

On motion of Mr. Lott, the committee rose, and reported the bill back to the Senate.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed, "An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof."

Report adopted.

Mr. Crabb gave notice that, on Monday, he would move to change the hour of meeting.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, April 18, 1853.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Woodbridge.

On motion of Mr. McKibben, Mr. Ralston was called to the chair.

The Journal of Saturday was read and approved.

Mr. Catlin presented three petitions from citizens of Sacramento city, praying the Legislature to pass a law investing the unoccupied lands of the city of Sacramento in the corporate authorities of the city and their successors in office, and moved their reference to the select committee of five to whom was referred the resolutions upon the same subject.

Mr. Lyons moved their reference to the Committee on Federal Relations.

On which Messrs. Hubbs, Catlin, and Ralston, demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Lott,
Hubbs,	Lyons—5.
Kurtz,	

NAYS.

Messrs. Catlin,	Messrs. Sprague,
Coffroth,	Walkup,
Estill,	Walton,
Ralston,	Wombough,
Smith,	Williams—10.

So the motion was not agreed to.

Mr. Walton in the chair.

The question recurring on the motion to refer to a select committee,

Mr. Lyons moved to amend by referring the petitions to the Sacramento delegation. Lost.

Mr. Hubbs moved to lay them upon the table.

On which Messrs. Wombough, Smith and Catlin, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth, Hubbs, Mr. Lyons—3.

NAYS.

Messrs. Catlin, De la Guerra, Estill, Kurtz, Lott, Ralston, Roach, Messrs. Smith, Sprague, Walkup, Walton, Wombough, Williams—13.

The question was then taken on their reference to the select committee, and Messrs. Wombough, Lyons and Catlin, demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin, Coffroth, De la Guerra, Estill, Hubbs, Kurtz, Ralston, Messrs. Roach, Smith, Sprague, Walkup, Walton, Wombough, Williams—14.

NAYS.

Mr. Lott, Mr. Lyons—2.

So the petitions were referred to the select committee.

Mr. Lyons, on leave, introduced the following resolution:

Resolved, That the Joint Select Committee, to whom was referred the subject of apportioning the State into Senate and Assembly districts, be, and they are hereby, instructed to report by bill to morrow.

On motion of Mr. Sprague, the resolution was amended by striking out "to-morrow," and inserting "forthwith."

On the adoption of the resolution, the ayes and nays were demanded by Messrs. Lyons, Walkup, and Wombough, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Hubbs,	Sprague,
Lott,	Walkup,
Lyons,	Walton—8.

NAYS.

Messrs. Catlin,	Messrs. Roach,
De la Guerra,	Smith,
Estill,	Wombough,
Kurtz,	Williams—8.

So the resolution was not adopted.

Mr. Ralston moved that the vote rejecting, on Saturday, Senate bill for "An Act to prescribe the manner of applying for pardons," be reconsidered.

Which was agreed to.

Mr. Coffroth, pursuant to notice, introduced the following rule, to change the hour of meeting:

"Rule 22. The hour of meeting of the Senate shall be 10 o'clock, A. M., of each day, (Sundays excepted,) and an adjournment at 3 o'clock, and a second session at 7½ o'clock, P. M. In case any other hour is named, it shall be applicable only to the one day, and shall not affect this rule beyond the day named, for a different hour of meeting."

Mr. Lyons moved to amend by striking out all after the word "adjournment."

On which Messrs. Hubbs, Lyons, and Coffroth, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Kurtz,	Messrs. Smith,
Lott,	Wombough,
Lyons,	Williams—7.
Ralston,	

NAYS.

Messrs. Catlin,	Messrs. Roach,
Coffroth,	Sprague,
Estill,	Walkup,
Hubbs,	Walton—8.

Mr. Ralston moved to amend, by striking out the words "three o'clock."

On which Messrs. Wombough, Smith and Lyons demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin, Kurtz, Lyons, Ralston, Walkup, Wombough, Williams—7.

NAYS.

Messrs. Coffroth, Estill, Hubbs, Lott, Roach, Smith, Sprague, Walton—8.

So the motion to strike out was lost.

Mr. Lyons moved to amend, by striking out "seven and a half, P. M.," and inserting "four, P. M.," and demanded the ayes and nays, when

On motion of Mr. Wombough, the whole subject was laid upon the table.

Mr. Roach moved that Senate bill for "An Act concerning Notaries Public," be taken from the table.

Which was agreed to.

And the Senate as in committee of the whole, Mr. Coffroth in the chair, proceeded to consider the bill, and having made sundry amendments thereto,

On motion of Mr. Hubbs, the committee rose, reported the bill back to the Senate, and were discharged from its further consideration.

On motion of Mr. Hubbs, the amendments made in committee of the whole were concurred in, except the substitute to the eighth section.

Mr. Lott, moved to amend the eighth section, by striking out the words "coat of arms of the State."

Which was not agreed to.

The section was then concurred in.

On motion of Mr. Smith, the bill was ordered engrossed for a third reading.

Mr. Sprague, on leave, introduced a bill for "An Act to apportion the Senatorial and Assembly districts of this State.

Which was read the first time, and ordered printed under the rule.

The following message was received from the Governor:

Executive Department,
Benicia, April 18, 1853.

To the Senate and Assembly of California:

I deem it my duty to inform you that the Sheriff of San Francisco county

has levied upon, and offered for sale, on the 29th inst., to satisfy a judgment obtained against the city of San Francisco, and in favor of L. D. Brown.

"All those pieces or parcels of ground covered by water, situate on each side of Central Wharf within the space bounded by Sacramento, Davis and Clay streets, and the unnamed street beyond Drum street, and laid out as water lots on the map or record in the office of the Recorder of the county of San Francisco, mentioned and made official in the first water lot bill, and on those numbered 520, 521, 522, 524, 525, 526, 528, 529, 530, 531, 532, 533, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 561 and 564."

By the provisions of the Water Lot Act of March 26th, 1851, twenty-five per cent. of the proceeds of all sales is reserved to the State. If this property is permitted to be sacrificed at a forced sale, but a fraction of its real value will be obtained, and of course the State be greatly the loser. I would, therefore, recommend that measures be at once adopted to enjoin their proceedings, so as to secure the entire rights of the State in the premises.

By the former sales of this description of property, litfle or nothing has been received by the State, and, in fact, none of the conditions required by the Water Lot Bills heretofore passed, have been fully complied with on the part of the city of San Francisco. A repetition of these sales will be but a continuation of the means by which California has been deprived of so much valuable property, and prompt measures should be taken to arrest them before it becomes so inextricably involved as to place it beyond the reach of the State, without a resort to ruinous litigation.

JOHN BIGLER.

On motion of Mr. Lyons, the message was referred to the Finance Committee.

Mr. Estill, agreeably to notice, introduced a Joint Resolution in relation to grants of land by the General Government to, and in the construction of, the Benicia and Marysville Railroad.

Which was read twice, and referred, on motion of Mr. Estill, to the Committee on Federal Relations.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, April, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a highly important communication from the Hon. W. S. Pierce, Comptroller of State, in reply to a note addressed him on the 13th instant. (See Appendix No. 66.)

This communication discloses the fact, that to sustain the credit of the State, it is now necessary to obtain the sum of twenty thousand two hundred and nine dollars and seventeen cents, being the amount required in addition to that on hand, to pay the interest due on the Funded Debt on the first day of July next.

On the 14th inst. the amount of State debt funded at an interest of seven per cent., under the Acts of 1851 and 1852, was $1,376,000.

Annual interest on same, $96,330.

The amount realized from the sale of School Land Warrants, chargeable with an interest of seven per cent. per annum, $285,760.

Annual interest on same, $20,003 20.

Total amount of interest on the Funded Debt and School Fund, $116,323 20.

To this sum must be added the amount of interest accruing monthly on the thirty-nine thousand one hundred and twenty-five dollars of the three per cent. bonds unredeemed.

The above statement established the alarming fact, that it will require all of one hundred and twenty thousand dollars the present year, to pay the accruing interest on the indebtedness of the State. The interest on the Funded Debt is fully due in the city of New York, on the first day of July next, and ought to be in the hands of the agent of the State in that city on or before the 20th June, so as to give full time to notify bond holders of his readiness to pay, as well as the precise time and place of payment. A failure to pay when due, the interest on the Civil Bonds of the State now held by capitalists in the Atlantic cities, cannot fail to have a blighting influence on the credit of California abroad, and at home must greatly depreciate the evidences of State indebtedness which have been or may hereafter be issued by authority of law.

To meet the present deficiency on the interest fund, as well as provide for the future, I would respectfully recommend that the Funding Act of 1852 be so amended as to authorize a board of commissioners, to consist of three or more of the State officers, to make such contracts or arrangements as may be necessary in this respect, to protect the credit of the State.

Deeply impressed with the great importance of sustaining the credit and liquidating the entire civil debt of the State as speedily as possible, I have deemed it my duty, in this connection, again to direct your attention to the recommendation contained in my special message of the 24th of March. The beach and water property at San Francisco, which is believed to be worth many millions of dollars, rightfully belongs to the State of California, and no good reason has been assigned why it should not be disposed of, under the provisions of a carefully guarded legislative enactment, and the proceeds applied to the payment of the common debt.

This subject has received my most careful consideration, and I can think of no other mode by which the credit of the State can be sustained, and the debt liquidated, unless you resort to more than treble the present rate of taxation; an imposition entirely too onerous to be borne by the people at this time.

JOHN BIGLER.

On motion of Mr. Lyons, the message and accompanying communication were referred to the Committee on Finance.

Mr. Wombough moved that the votes rejecting, on the 16th inst., Senate bill for "An Act to prescribe the manner of applying for Pardons," be reconsidered, and also the vote on the third reading.

Which was agreed to.

Mr. Walton moved that the bill be recommitted to a select committee of one, to consist of Mr. Wombough, with special instructions.

Agreed to.

Mr. Walton was added to the committee.

On motion of Mr. Sprague, the Senate took a recess until half past seven, P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President in the chair.

Mr. Smith, on leave, introduced a bill for "An Act for the relief of Nicolaus Algier.

Which was read twice and referred, on motion of Mr. Smith, to the Committee on Claims.

Mr. Sprague moved to take from the table an Act to amend the fourteenth section of "An Act concerning the office of County Treasurer," passed March 27, 1850.

Which was agreed to.

The bill was amended, on motion of Mr. Sprague, by striking out the word "May" and inserting "June," and read a third time and passed; the rules being suspended for that purpose.

On motion of Mr. Smith, Senate bill for "An Act amendatory of and supplementary to an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," was taken under consideration.

Mr. Wade in the chair.

Mr. Coffroth moved to concur generally in the amendments made in Committee of the Whole.

Which was agreed to.

Mr. Smith moved to recommit, with instructions, to the Judiciary Committee, sections thirty-eight, thirty-nine, forty, and forty-one.

Which was not agreed to.

Mr. Hager moved to strike out section thirty-six, as amended.

On which Messrs. Sprague, Walton and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Roach,
Estill,	Smith,
Hager,	Wade—9.
Hubbs,	

NAYS.

Messrs. Lott, Ralston, Sprague, Walkup, Walton—5.

So the section was struck out.

On motion of Mr. Smith, the bill was ordered engrossed for a third reading.

Mr. Sprague moved that Senate bill for "An Act to authorize Alexander Young to construct a bridge across Clear Creek, in the county of Shasta," be taken from the table.

Agreed to.

Mr. Hager moved to lay the bill upon the table.

Lost.

Mr. Coffroth moved that the bill be indefinitely postponed.

On which Messrs. Lott, Coffroth and De la Guerra demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, De la Guerra, Hager, Kurtz, Roach, Smith, Walkup—8.

NAYS.

Messrs. Baird, Hubbs, Lott, Lyons, Ralston, Sprague, Wade, Walton—8.

Mr. Smith moved to adjourn.

Lost.

On motion of Mr. Walton, the bill was recommitted to the Judiciary Committee.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

TUESDAY, April 19, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Hubbs, Chairman of the Finance Committee, to whom was referred the message of the Governor in relation to property of the State advertised to be sold under judgments against the city of San Francisco, reported the same back with a bill for "An Act for the protection of property of the State in the city of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Walton, from the Joint Committee on Enrollment, reported as correctly enrolled, An Act to provide for the payment of Certain Persons therein named, for work done, and material furnished.

Report adopted.

Senate bill for An Act to apportion the Senatorial and Assembly Districts of this State, was read the second time, and laid upon the table.

Senate bill for An Act for the protection of property of the State, in the city of San Francisco, and to repeal An Act to provide for the disposition of certain property of the State of California, passed March 26, 1851, was read the first time.

Mr. Hubbs moved that the rules be suspended, and the bill was read a second time.

On which, the ayes and nays were demanded by Messrs. Crabb, Wade, and Hubbs, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
De la Guerra,	Sprague,
Estill,	Walkup,
Hubbs,	Walton,
Kurtz,	Wombough,
Lott,	Williams—12.

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Roach,
Crabb,	Smith,
Hager,	Wade—8.

There not being a two-thirds' vote in favor of the motion, the rules were t suspended.

A message was received, informing the Senate that the Assembly passed the 16th inst., An Act for the relief of Manuel Garfus;

An Act to fund the debt of the county of Sutter, and provide for the yment thereof; and on the 18th inst., Senate bill for

An Act to provide for the compilation and publication of the laws of the ate of California, and the payment thereof, and on the 16th inst., Senate l for

An Act to authorise the Board of Supervisors of Los Angeles county to vy a Special Tax for the erection of County Buildings; and refused on the 5th inst., to recede from its amendments to Senate bill for

An Act to fix the compensation of County Judges, and Associate Jus-es, of the Courts of Sessions; and to repeal a like Act passed April 22, 850; and appointed as a committee of conference on the disagreeing vote, essrs. Wells, Mandeville, and Myres;

And refused to recede from its amendments to Senate bill for

An Act in relation to the interest on the Funded Debt of 1852; and ppointed as a committee of conference on the disagreeing vote of the two ouses, Messrs. McMeans, Crenshaw, and Johnson;

Assembly bill for An Act to fund the debt of the county of Sutter, and provide for the payment thereof, was read twice, and referred to the Sen-or from Sutter county, Mr. Smith.

Mr. Estill, agreeably to notice, introduced a bill for An Act authorizing e Treasurer of State, to issue bonds for the payment of the volunteers, ustered into the service by order of the Governor, under Col. John C. ays, in the year 1851.

Which was read a first and second time, and referred,

On motion of Mr. Estill, to the Committee on Indian Affairs.

On motion of Mr. Crabb, Senate bill for an Act providing for the erection a State Prison, and declaring null and void the existing State Prison con-act, made the special order for to-day, was taken under consideration.

Mr. Wombough moved to lay the bill upon the table until half past seven clock this evening.

Which was agreed to.

Mr. Sprague, chairman of the Committee on Indian Affairs, to whom was eferred the petition of Maj. James Birney, submitted the following report. See Appendix No. 67.)

The report was accepted, and laid upon the table.

Mr. Wombough, chairman of the Select Committee to whom was referred enate bill for "An Act to prescribe the manner of applying for Pardons," eported back a substitute, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Sprague in the chair.

On motion of Mr. Wombough, the report submitted by Committee on ndian Affairs, upon the petition of Maj. James Birney, was taken from he table.

The bill reported by the committee for "An Act to provide for the pay and compensation of Maj. James Birney, as Paymaster to troops called into the service of this State in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851," was read a first and second time, when

Mr. Coffroth moved its reference to the Judiciary Committee.

On which Messrs. Coffroth, Wade and Lyons, demanded the ayes and nays, with the following result:

AYES.

Messrs.	Coffroth,	Messrs.	Lyons,
	De la Guerra,		Roach,
	Hudspeth,		Walkup—6.

NAYS.

Messrs.	Catlin,	Messrs.	Ralston,
	Crabb,		Smith,
	Estill,		Sprague,
	Hubbs,		Wade,
	Kurtz,		Wombough—11.
	Lott,		

So the motion was not agreed to.

On motion of Mr. Crabb, the bill was then laid upon the table.

Mr. Kurtz gave notice that on to-morrow he would introduce a bill providing for the digging of one or two wells on the immigrant road, between Sackett's and Cook's wells, in San Diego County.

A message was received from the Governor, informing the Senate that he approved, on the 16th inst., the following Acts:

"An Act authorizing the Treasurer of the State to issue Bonds for the payment of the expenses of Volunteer Rangers under Captain B. Wright and Charles McDermitt, in protecting the overland emigration on the north-eastern frontier."

And "An Act to provide for the payment of Beverly C. Saunders' expenses incurred by order of the Governor, in December, 1851, for the suppression of Indian hostilities in the County of San Diego."

Mr. Lott moved that Committees of Conference be appointed on the disagreeing vote of the two Houses, upon Senate bill for "An Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22, 1850."

And upon Senate bill for "An Act in relation to the interest on the Funded Debt of 1852."

Which was agreed to.

And the Chair announced as the committee on the part of the Senate, on the first named bill, Messrs. Lott, Foster and Coffroth; and on the last, Messrs. Hubbs, Crabb and Ralston.

On motion of Mr. Hubbs, the Senate proceeded to consider Senate bill

for "An Act supplemental to an Act to regulate Elections," passed March 23d, 1850."

And the rules were suspended, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Crabb, Senate bill for "An Act to prevent frauds in Elections," was taken from the table.

Mr. Lott moved to strike out the first section of the bill. And pending the motion,

Mr. Wombough moved that the Senate take a recess until half past seven this evening.

Which was agreed to.

EVENING SESSION.

Senate re-assembled at 7½, P. M.

President in the chair.

Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," and Senate bill for an Act of like title, reported as a substitute to the original bill, were the special order for the evening.

Mr. Wombough moved the adoption of the substitute.

Mr. Coffroth moved as an amendment, that the Senate proceed to the consideration of both bills.

On which the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Lyons, with the following result:

AYES.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Hudspeth,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Williams—11.
Hager,	

NAYS.

Messrs. Estill,	Messrs. Snyder,
Gruwell,	Sprague,
Kurtz,	Walkup,
Lott,	Walton,
Lyons,	Wombough—10.

So the motion was agreed to, and both bills were taken under consideration.

Mr. Lyons moved to recommit both bills to the select committee previously appointed to consider this subject.

Not agreed to.

On motion of Mr. Wombough, the Senate, as in Committee of the Whole, (Mr. Hubbs in the chair,) proceeded to the consideration of the bills, and having made some progress therein,

On motion of Mr. Lyons, the committee rose, and reported the substitute back to the Senate, with amendments.

Mr. Walton, from the Joint Committee on Enrollment, reported that the committee had this day presented to the Governor, for his approval, "An Act to provide for the payment of certain persons therein named, for work done and materials furnished."

And "An Act concerning Roads and Highways."

Report adopted.

On motion of Mr. Walton, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, April 20, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Hubbs, Chairman of the Senate Committee of Conference, on the disagreeing vote of the two houses on Senate bill for "An Act in relation to the interest on the Funded Debt of 1852," reported as the recommendation of both committees, that the Senate adopt the amendment of the Assembly, after being amended, by striking out the words "on demand" in the tenth and eleventh lines of section one.

The report was concurred in.

Mr. Hager, Chairman of the Committee on Corporations, reported back Senate bill for "An Act to provide for compensation to owners of private property appropriated to the use of Corporations," and recommended its passage with amendments.

The report was accepted and laid upon the table.

Senate bill for "An Act for the protection of the property of the State in the city of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26, 1851," was read the second time, and referred, on motion of Mr. Hager, to the Committee on the Judiciary.

Mr. Catlin, from the Committee on Claims, to whom were referred Senate bill for "An Act to authorize the Comptroller of State to issue to A. D. Blanchard certain warrants, payable out of the War Loan Fund;"

And Senate bill for "An Act for the issue of a Duplicate War Loan Fund Warrant;" reported back as a substitute for both bills,

"An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants, in lieu of certain warrants lost or destroyed."

The substitute was adopted, when

On motion of Mr. Catlin, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Wombough gave notice that, on to-morrow, or an early day thereafter, he would introduce a bill for "An Act to fund the debt of Yolo County, and provide for the payment thereof."

Mr. Estill, Chairman of the Committee on Public Lands, to whom was referred Senate bill for "An Act to declare a certain road a State road," reported back, pursuant to instructions, a bill for "An Act to open and repair State roads."

Which was read the first time, and ordered printed under the rule.

Mr. Kurtz gave notice that he would, on to-morrow, introduce a bill empowering the Board of Supervisors of San Diego county to levy a special tax for the erection of a county jail.

On motion of Mr. Wombough, Senate bill for "An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State, in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17, 1851," was taken from the table.

Mr. Crabb moved that the rules be suspended, and that the bill be considered engrossed, and read a third time.

On which Messrs. Wade, Sprague and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Crabb,	Snyder,
Estill,	Sprague,
Gruwell,	Wade,
Hubbs,	Walton,
Kurtz,	Wombough,
Lott,	Williams—15.
Ralston,	

NAYS.

Messrs. De la Guerra,	Messrs. Lyons,
Hager,	Roach,
Hudspeth,	Walkup—6.

So the motion was agreed to, and the bill was read a third time.

Mr. Lyons in the chair.

On motion of Mr. Wade, a call of the Senate was ordered, and Messrs. Foster, Hager, Keene, Lind, Lott, McKibben and Walton were absent.

Messrs. Lind, Keene, McKibben and Foster were excused from the action of the call.

On motion of Mr. Wade, further proceedings under the call were suspended.

Mr. Coffroth moved to lay the bill upon the table.

And the ayes and nays were demanded by Messrs. Snyder, Coffroth and Walkup, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
De la Guerra,	Roach,
Lyons,	Walkup—6.

NAYS.

Messrs. Baird,	Messrs. Smith,
Catlin,	Snyder,
Crabb,	Sprague,
Estill,	Wade,
Gruwell,	Walton,
Hubbs,	Wombough,
Hudspeth,	Williams—15.
Kurtz,	

Mr. Coffroth moved to re-commit the bill to the Committee on Indian Affairs, with instructions to strike out $8,648, and insert $5,000.

On which Messrs. Wombough, Smith and Coffroth demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
De la Guerra,	Roach,
Hager,	Walkup—7.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Smith,
Crabb,	Snyder,
Estill,	Sprague,
Gruwell,	Wade,
Hubbs,	Walton,
Hudspeth,	Wombough,
Kurtz,	Williams—16.

So the motion to re-commit was lost.

The question recurring on the passage of the bill.

The ayes and nays were demanded by Messrs. Coffroth, Wombough and Wade, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Smith,
Crabb,	Snyder,
Estill,	Sprague,
Gruwell,	Wade,
Hubbs,	Walton,
Hudspeth,	Wombough,
Kurtz,	Williams—16.

NAYS.

Messrs. Coffroth,	Messrs. Ralston,
De la Guerra,	Roach,
Hager,	Walkup—7.
Lyons,	

So the bill was passed.

Messrs. Ralston and Catlin, the select committee to whom was referred Assembly bill for "An Act to provide for the erection of a jail in Sacramento county," reported the same back, and recommended its passage without amendment.

On motion of Mr. Catlin, the report was adopted, the bill read a third time and passed.

The unfinished business of yesterday, "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," was taken under consideration.

On motion of Mr. Crabb, the Senate resolved itself into committee of the whole, Mr. Lyons in the chair, and proceeded to consider the bill, and having made some progress therein,

Mr. Snyder moved that the committee rise and report progress.

Which was agreed to.

Mr. Snyder then moved that the bill be re-committed to the select committee, from which it was reported, and that Mr. Crabb be added to that committee, and that the committee be instructed to report to the Senate to-morrow.

Which was agreed to.

Mr. Coffroth was also added to the committee.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed, "An Act concerning Notaries Public."

And "An Act to amend the fourteenth section of an Act concerning the office of the County Treasurer.

Report adopted.

Mr. Kurtz, pursuant to notice, introduced a bill for "An Act to provide for digging two wells on the immigrant road in San Diego county."

Which was read twice, and referred,

On motion of Mr. Kurtz, to the Committee on Public Expenditure.

On motion of Mr. Hubbs, Senate bill for "An Act concerning Notaries Public," was taken under consideration.

Mr. Hager moved that the bill be re-committed to a select committee, with instructions to insert for San Francisco county "thirty," instead of "twenty" Notaries Public.

On which Messrs. Hager, Crabb and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Gruwell,
Catlin,	Hager,
Crabb,	Smith,
Coffroth,	Wade,
De la Guerra,	Walkup—10.

NAYS.

Messrs. Estill,	Messrs. Snyder,
Hubbs,	Sprague,
Kurtz,	Walton,
Lott,	Wombough,
Lyons,	Williams—11.
Roach,	

So the motion to re-commit was lost.

The question was then taken on the passage of the bill.

And the ayes and nays were demanded by Messrs. Hager, Hubbs and Wade, with the following result:

AYES.

Messrs. Baird,
Catlin,
Coffroth,
De la Guerra,
Estill,
Hubbs,
Kurtz,
Lott,
Lyons,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walton,
Wombough,
Williams—17.

NAYS.

Messrs. Crabb,
Gruwell,
Hager,
Walkup—4.

So the bill was passed.

Mr. Roach presented the account of Wm. C. Byrne against the State, and moved its reference to the Committee on Claims.

Which was agreed to.

On motion of Mr. Coffroth, Senate bill for "An Act concerning the observance of the Sabbath day," was taken from the table.

Mr. Coffroth moved that the bill be made the special order for Thursday evening, at half past seven o'clock.

Not agreed to.

Mr. Crabb moved to strike out all after the enacting clause in the bill.

On which the ayes and nays were demanded by Messrs. Gruwell, Hubbs and Wombough, when

Mr. Coffroth moved to adjourn.

Lost.

Mr. Crabb asked leave to withdraw his motion to strike out.

Which was not granted, and before taking the question,

On motion of Mr. Hubbs, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

THURSDAY, April 21, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Roach presented a petition from citizens of Santa Cruz county, praying that the salary of the County Judge of that county may be reduced to the sum of twelve hundred dollars, and moved its reference to a select committee of one, consisting of the Senator from Santa Cruz, (Mr. Roach.)

The petition was read and so referred.

Mr. Foster, Chairman of the Committee on Public Printing, reported for the consideration of the Senate, Assembly bill for "An Act to provide for the better publication of official and legal notices."

The report was accepted, and laid upon the table.

Messrs. Ralston and Catlin, the select committee to whom were referred Assembly bill for "An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento, passed 1851;" and Assembly bill for "An Act supplementary to an Act to incorporate the city of Sacramento, passed 1851," reported them back to the Senate, with a substitute for both bills as follows:

"A bill for an Act to extend and better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city."

The report was accepted.

The substitute was adopted.

When, on motion of Mr. Ralston, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Hubbs, from the Judiciary Committee, to whom was referred Senate bill for "An Act for the protection of the property of the State in the city of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851; reported the same back with amendments, and recommended its passage.

The report was accepted and laid upon the table.

A message was received, informing the Senate that the Assembly concurred, on the 19th inst., in Senate amendment to Assembly bill for "An Act to provide for the incorporation of Wagon Road Companies."

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for "An Act supplementary to an Act to provide for the appointment and prescribing the duties of Guardians," passed April 19th, 1850, and recommended its passage without amendment.

The report was adopted, the bill read a third time and passed.

On motion of Mr. Foster, Assembly bill for "An Act for dividing the

county of Los Angeles and making a new county therefrom," was taken from the table.

The bill was then read a third time and passed.

On motion of Mr. Foster, the title was amended so as to read "An Act for dividing the county of Los Angeles and making a new county therefrom, to be called San Bernardino county."

Mr. Walton, from the Committee on Enrollment, reported as correctly enrolled, "An Act to provide for the incorporation of Railroad Companies."

Report adopted.

Mr. Coffroth, pursuant to notice, asked leave to introduce a bill for "An Act to repeal an Act to provide for the appointment of a Guager for the Port of San Francisco," passed May 3d, 1852.

But objections were made by Mr. Hubbs—

First: Because the notice given is not within the rule; as it did not name the bill to be repealed. And

Second: That the bill cannot be read without the consent of two-thirds of the Senate.

The President, without giving a decision, took the notice under consideration.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act supplemental to an Act to regulate Elections," passed March 23d, 1850.

Report adopted.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back Assembly bill for "An Act to amend an Act dividing the State into Counties, and establishing the Seats of Justice therein," and recommended its passage without amendment.

The report was accepted and laid upon the table.

Senate bill for "An Act to open and repair State Roads," was read a second time and referred, on motion of Mr. Wombough, to the Committee on Roads and Highways.

The unfinished business of yesterday, being "An Act concerning the observance of the Sabbath day," was taken under consideration; when,

On motion of Mr. Wombough, it was laid upon the table.

Mr. Walton, from the Committee on Enrollment, reported as correctly enrolled An Act to provide for the incorporation of Wagon Road Companies.

Report adopted.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval, An Act to provide for the incorporation of Wagon Road Companies; and

An Act to provide for the incorporation of Railroad Companies.

Report adopted.

Mr. Walkup gave notice that he would on to-morrow, or some day soon thereafter, ask leave to introduce a bill for An Act concerning the auditing of accounts by the Court of Sessions, or Board of Supervisors.

Mr. Snyder, Chairman of the Select Committee, to whom was referred a bill for An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract, reported the same back,

with a substitute, and with amendments, for the consideration of the Senate.

The report was accepted, and laid upon the table.

Mr. Hubbs moved to take from the table Senate bill for "An Act for the protection of the property of the State in the city of San Francisco;" and to repeal "An Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.

On which, Messrs. Walton, Hubbs, and Sprague, demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,	Messrs. Lott,
Gruwell,	Ralston,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton—10.

NAYS.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Crabb,	Smith,
Coffroth,	Snyder,
Foster,	Wade,
Hager,	Williams—13.
Hudspeth,	

So the motion was not agreed to.

Mr. Walton, from the Committee on Enrollment, reported as correctly enrolled, "An Act to provide for the erection of a Jail in Sacramento county."

Report adopted.

On motion of Mr. Smith, the report of the Select Committee, on the State Prison bill was taken from the table.

The substitute reported by the Committee, to wit:

"An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract,"

Was adopted.

The amendments reported to the substitute were then read.

On the adoption of section thirteen, as an amendment, as follows:

"There shall be levied, and collected, each year, a tax of four cents upon each one hundred dollars of taxable property in this State, for State Prison purposes: the money thus collected, shall be called a State Prison Fund."

Messrs. Catlin, Crabb, and Wade, demanded the ayes and nays, when Mr. Catlin moved a call of the Senate.

Which was sustained, and

Messrs. Baird, Smith, and Williams, were absent.

The Sergeant-at Arms was despatched for the absentees.

Messrs. Baird, Smith, and Williams, appeared and were admitted.

On motion of Mr. Estill, the call was suspended.

The question recurring on the adoption of section thirteen,

Mr. Sprague moved to lay the whole matter upon the table.

On which, Messrs. Wombough, Wade, and Sprague, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Hubbs, Hudspeth, Keene, Lind, Ralston, Sprague—7.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Hager, Kurtz, Lott, Lyons, Roach, Smith, Snyder, Wade, Walkup, Walton, Wombough, Williams—18.

So the motion was not agreed to.

The question was then taken on the adoption of section thirteen, as an amendment, with the following result:

AYES.

Messrs. Estill, Foster, Hubbs, Kurtz, Lott, Roach, Smith, Snyder, Sprague, Walkup, Walton, Wombough—12.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Hager, Hudspeth, Keene, Lind, Lyons, McKibben, Ralston, Wade, Williams—14.

So the motion was lost.

Mr. Lyons moved a reconsideration of the vote just taken.

On which Messrs. Wade, Crabb and Catlin demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Estill,	Messrs. Roach,
Foster,	Smith,
Hubbs,	Snyder,
Keene,	Sprague,
Kurtz,	Walkup,
Lind,	Walton,
Lott,	Wombough—15.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth
Crabb,	McKibben,
Coffroth,	Wade,
De la Guerra,	Williams—10.

Mr. Hudspeth moved the adoption of the following, as a substitute for section thirteen:

"That an additional poll tax of one dollar on each taxable inhabitant be assessed and collected, as is now provided for by law, to create a fund to pay the appropriation under this Act."

On which the ayes and nays were demanded by Messrs. Snyder, Hudspeth and Sprague, with the following result:

AYES.

Messrs. Catlin,	Snyder,
Hager,	Walkup,
Hudspeth,	Wombough—6.

NAYS.

Messrs. Baird,	Messrs. Lind,
Crabb,	Lott,
Coffroth,	Lyons,
De la Guerra,	Smith,
Estill,	Sprague,
Foster,	Wade,
Keene,	Walton,
Kurtz,	Williams—16.

So the substitute was not adopted.

The question was then taken on the adoption of section thirteen, as an amendment.

On which Messrs. Coffroth, Keene and Williams demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,	Messrs. Roach,
Foster,	Smith,
Keene,	Snyder,
Kurtz,	Sprague,
Lind,	Walkup,
Lott,	Walton,
Lyons,	Wombough—14.

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	McKibben,
Coffroth,	Wade,
De la Guerra,	Williams—10.

So the motion was adopted.

Sections fourteen, fifteen, sixteen and seventeen, as amendments to the bill, were then adopted.

Mr. Lind in the chair.

Mr. Foster moved to amend section eighteen, proposed as an amendment to the bill, by striking out the following words:

"Shall accompany the same by a deposit of ten thousand dollars on State seven per cent. securities, or in money, as security."

And inserting—

"Shall deposit a bond, with sufficient security, in the penal sum of ten thousand dollars, to be approved by the commissioners, conditioned to the faithful compliance with his bid, if accepted."

Which was agreed to, and the section was adopted.

Mr. Crabb moved to fill the blank, in section five, with one hundred and twenty-five thousand dollars.

Mr. Smith moved, as an amendment, to insert "one hundred and fifty thousand dollars."

On which Messrs. Smith, Wade and De la Guerra demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. De la Guerra,	Messrs. Lyons,
Estill,	Smith,

Messrs. Hager, Messrs. Wade,
Kurtz, Wombough—9.
Lott,

NAYS.

Messrs. Baird, Messrs. Hudspeth
Catlin, Keene,
Crabb, Lind,
Coffroth, Sprague,
Hubbs, Walkup—10.

Mr. Smith moved a call of the Senate.

On which Messrs. Lott, Baird and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra, Messrs. Lyons,
Estill, Smith,
Kurtz, Wade,
Lott, Wombough—8.

NAYS.

Messrs. Baird, Messrs. Hudspeth,
Catlin, Keene,
Crabb, Lind,
Coffroth, McKibben,
Hager, Sprague,
Hubbs, Walkup—12.

So the motion was not sustained.

Mr. Coffroth moved to fill the blank in section five, with one hundred and thirty-two thousand dollars.

Mr. Smith moved to amend by inserting one hundred and forty-five thousand.

On which, the ayes and nays were demanded by Messrs. Crabb, Coffroth, and Wade, and the amendment was lost by the following vote:

AYES.

Messrs. De la Guerra, Messrs. Lyons,
Estill, Smith,
Kurtz, Wade,
Lott, Wombough—8.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Hager, Hubbs, Lind, McKibben, Walkup—9.

Mr. Ralston was excused from voting.

Mr. Smith moved to amend by inserting one hundred and forty thousand.

On which, the ayes and nays were demanded by Messrs. Coffroth, Kurtz, and Walkup, and the amendment was lost by the following vote:

AYES.

Messrs. De la Guerra, Estill, Hager, Kurtz, Lyons, Smith, Wade, Wombough—8.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Hubbs, Lind, McKibben, Ralston, Walkup, Williams—10.

Mr. Wombough moved a call of the Senate.

On which, Messrs. Lyons, Wombough, and Kurtz, demanded the yes and nays, and the Senate refused to sustain the motion by the following vote:

AYES.

Messrs. Estill, Foster, Kurtz, Lott, Lyons, Ralston, Roach, Smith, Snyder, Wade, Wombough—11.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Hubbs, Lind, McKibben, Walkup,

Messrs. De la Guerra, Hager, Messrs. Walton, Williams—12.

On motion of Mr. Wombough, the Senate took a recess until half-past seven, P. M.

EVENING SESSION.

Senate re-assembled at 7½ o'clock.

President in the chair.

On motion of Mr. Coffroth, a call of the Senate was ordered, and Messrs. Crabb, De la Guerra, Hudspeth, Keene, Ralston, Sprague, Wade and Williams were absent.

On motion of Mr. Lyons, Mr. Wade was excused from the action of the call.

The Sergeant-at-Arms was directed to bring the absentees within the bar of the Senate.

Messrs. Crabb, Williams, Keene, Sprague and Ralston appeared and were admitted.

Mr. Kurtz moved that further proceedings under the call be suspended.

Which was agreed to.

The question was then taken on the motion to fill the blank, in section five, with "one hundred and thirty-two thousand."

Which was not agreed to.

The question recurring on the motion to fill the blank in section five with "one hundred and twenty-five thousand."

Mr. Wombough moved to amend by inserting "one hundred and thirty thousand."

On which Messrs. Hubbs, Crabb and Wombough demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Baird, Coffroth, Foster, Gruwell, Hager, McKibben, Roach, Wombough—8.

NAYS.

Messrs. Catlin, Crabb, Hubbs, Keene, Kurtz, Ralston, Smith, Snyder, Sprague, Walkup,

Messrs. Lott,
Lyons,
Messrs. Walton,
Williams—14.

Mr. Kurtz moved, as an amendment, to fill the blank in section five with "one hundred and forty-two thousand."

Lost.

Mr. Smith moved, as an amendment, to fill the blank with "one hundred and thirty-five thousand."

On which Messrs. Smith, Wombough and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Coffroth,
Estill,
Foster,
Gruwell,
Keene,
Kurtz,
Messrs. Lind,
McKibben,
Roach,
Smith,
Sprague,
Wombough—13.

NAYS.

Messrs. Catlin,
Crabb,
Hager,
Hubbs,
Lott,
Lyons,
Messrs. Ralston,
Snyder,
Walkup,
Walton,
Williams—11.

So the blank was filled with "one hundred and thirty-five thousand."

Mr. Coffroth moved to fill the blank in section six with "one hundred and thirty-five thousand."

On which the ayes and nays were demanded by Messrs. Coffroth, McKibben and Smith, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird,
Coffroth,
Estill,
Foster,
Gruwell,
Hudspeth,
Keene,
Messrs. Kurtz,
Lind,
McKibben,
Roach,
Smith,
Sprague,
Wombough—14.

NAYS.

Messrs. Catlin,
Crabb,
Messrs. Ralston,
Snyder,

Messrs. Hager,
Lott,
Lyons,
Messrs. Walkup,
Walton—9.

Mr. Lind in the chair.

Mr. Lind moved to strike out, in section three, line two, the words, "and prepare."

On which Messrs. Lyons, Coffroth and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,
Foster,
Gruwell,
Hager,
Keene,
Kurtz,
Lind,
Messrs. Lott,
Lyons,
Roach,
Smith,
Snyder,
Walkup,
Wombough—14.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Hubbs,
Messrs. Hudspeth,
Sprague,
Wade,
Walton,
Williams—11.

So the words were struck out.

Mr. Lott moved to amend section three by inserting at the end of the line the following words:

"And that such building shall be sufficient to accommodate at least two hundred and fifty prisoners safely."

On which Messrs. Coffroth, Crabb and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,
Foster,
Gruwell,
Keene,
Lind,
Lott,
Lyons,
Messrs. Smith,
Snyder,
Sprague,
Walkup,
Walton,
Wombough—13.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Hager, Hubbs, Hudspeth, McKibben, Roach—9.

So the amendment was agreed to.

On motion of Mr. Coffroth, the following words in section seven were struck out:

"Upon approval of the completion of said contract by the Governor, in accordance with the condition of the contract made by the Commissioners."

Which was agreed to.

Mr. Smith moved that the bill, as amended, be ordered engrossed for a third reading.

On which Messrs. Catlin, Hubbs and Walkup demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hager, Hudspeth, Keene, Kurtz, Lind, Lott, Lyons, McKibben, Roach, Smith, Snyder, Walton—19.

NAYS.

Messrs. Catlin, Hubbs, Sprague, Walkup, Wombough—5.

On motion of Mr. De la Guerra, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

FRIDAY, April 22, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Sprague, Chairman of the Committee on Indian Affairs, reported back Senate bill for "An Act authorizing the Treasurer of State to issue bonds for the payment of the Volunteers mustered into service by order of the Governor, under Col. John C. Hays, in the year 1851," and recommended its passage with amendments.

The report was accepted and laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the relief of Reuben Clark and William Craine," and recommended its passage, without amendment.

The report was accepted and laid upon the table.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants in lieu of certain warrants lost or destroyed," and

"An Act to provide for the pay and compensation of Major James Birney, as paymaster to the troops called into the service of this State, in defending our eastern frontier from hostilities of the Indians, under an Act passed March 17, 1851."

Report adopted.

Mr. McKibben, on leave, introduced a bill for "An Act for the relief of A. G. Hart, M. D., for services rendered and money expended for sick Emigrants, &c.;" which was read the first time, when

Mr. Lind moved its indefinite postponement, on which the ayes and nays were demanded by Messrs. Lind, Wade and Wombough, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lind,
De la Guerra,	Lott,
Foster,	Lyons,
Hager,	Roach,
Hubbs,	Sprague,
Hudspeth,	Walkup,
Keene,	Williams—14.

NAYS.

Messrs. Baird,	Messrs. Ralston,
Catlin,	Smith,
Crabb,	Snyder,
Gruwell,	Wade,
McKibben,	Wombough—10.

So the bill was indefinitely postponed.

On motion of Mr. Lott, Assembly bill for "An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county," was taken from the table and referred to the Senator from those counties, (Mr. McKibben,) with instructions to report the same back on Wednesday next.

Mr. Snyder introduced a concurrent resolution, authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

The resolution was adopted.

Mr. Snyder, on leave, introduced a bill for "An Act to compensate Dr. John B. Trask for his Report on the Geology of the Mineral Districts, and to enable him to make further examinations."

Which was read the first and second time, and objections being made to a third reading, it was laid over under the rule.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to provide for the compilation and publication of the Laws of the State of California, and the payment thereof."

And "An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings."

Report Adopted.

Mr. Walkup, Chairman of the Committee on Roads and Highways, to whom was referred the petition of E. H. Evans, J. W. Orr and T. W. Killpatrick, praying the passage of a law authorizing them to build a toll bridge across Weber creek, reported the same back, and recommended that it be referred to the Judiciary Committee.

Which was agreed to.

Mr. Walton, Chairman of the Committee on Mines and Mining Interests, to whom was referred Senate bill for "An Act to determine and define the rights of claimants to the waters of streams in this State for mining purposes," reported the same back with a substitute, and recommended its passage.

The report was accepted and laid upon the table.

Mr. Coffroth asked for the decision of the Chair on the point of order raised yesterday on his introducing, pursuant to notice, a bill for an Act to repeal "An Act to provide for the appointment of a Guager for the port of San Francisco," passed May 3, 1852.

And the Chair, (Mr. Keene,) made the following decision:

That the Senator from Tuolumne, after five days' notice given, introduced a bill to repeal an existing law. This is objected to—

First. That the notice itself is not within the rule, because it did not name the bill to be repealed.

Second. That the bill cannot be read without the consent of two-thirds of the Senate.

The parliamentary rule is, that a bill once rejected, another of the same substance cannot be brought in again during the same session.

The Joint Rules of the Senate and Assembly relieve the severity of the parliamentary rule, by prescribing that a bill which has been passed in one House and shall be rejected in the other, shall not be brought in during the same session without a notice of five days, and leave of two-thirds of *that House* in which it shall be renewed.

This is the only authority for re introducing a bill during the same session, and consequently its requirements must be complied with ; and the bill cannot go to its first reading without the consent of two-thirds of the Senate."

From this decision Mr. Coffroth appealed, and on the question " Shall the decision of the Chair stand as the judgment of the Senate ?"

The ayes and nays were demanded by Messrs. Hubbs, Lyons and Coffroth, with the following result :

AYES.

Messrs. Catlin,	Messrs. Ralston,
Estill,	Smith,
Foster,	Snyder,
Gruwell,	Sprague,
Hubbs,	Wade,
Kurtz,	Walkup,
Lind,	Walton,
Lott,	Wombough,
Lyons,	Williams—18.

NAYS.

Messrs. Baird,	Messrs. De la Guerra,
Crabb,	Hager,
Coffroth,	Roach—6.

So the decision of the Chair was sustained.

The question was then taken on suspending the rules, that the bill might go to its first reading.

When the ayes and nays were demanded by Messrs. Hubbs, Wombough and Catlin, with the following result :

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Kurtz,
Crabb,	Roach,
Coffroth,	Wade,
De la Guerra,	Walkup—11.
Foster,	

NAYS.

Messrs. Estill,	Messrs. Ralston,
Gruwell,	Smith,
Hubbs,	Snyder,
Keene,	Sprague,
Lind,	Walton,
Lott,	Wombough,
Lyons,	Williams—14.

So the Senate refused to suspend the rules.

Mr. Coffroth gave notice that he would introduce a bill to-morrow or some subsequent day, to amend the Gauger Law of San Francisco.

A message was received informing the Senate that the Assembly concurred, on the 20th inst., in the report of the Committee of Conference on the disagreeing vote of the two Houses.

On Senate bill for "An Act in relation to the Interest on the Funded Debt of 1852."

And passed with amendments Senate bill for "An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia."

And Senate bill for "An Act to extend and better define the powers and duties of the City Council of Sacramento, and to authorize the establishment of Free Schools in said city."

And that the Assembly passed this day, a resolution respectfully requesting the Senate to take action upon Assembly bill for "An Act to ascertain and provide for the payment of the debt due from Sierra county to Yuba county."

Mr. Smith gave notice that on to-morrow he would introduce a bill for "An Act to determine the indebtedness of Sutter county, justly chargeable to Placer county at the time of the organization of Placer county, and provide for the payment thereof."

Mr. Lott moved that the Senate concur in Assembly amendments to Senate bill for "An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy certain lands in the city of Benicia."

Which was agreed to.

Mr. Lyons in the chair.

A message was received informing the Senate that the Assembly passed, with amendments, Senate bill for "An Act to amend an Act declaring certain Rivers and Creeks navigable," passed February 18th, 1851.

And a bill for "An Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley," approved April 28, 1852.

And a bill for "An Act for the relief of Calvin Valpey."

And "An Act supplementary to the Act incorporating the City of Marysville."

Assembly bill for "An Act to amend an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley," approved April 28th, 1852, was read twice, and

Referred, on motion of Mr. Coffroth, to the Committee on Roads and Highways.

Assembly bill for "An Act for the relief of Calvin Valpey," was read twice, and

Referred, on motion of Mr. Hubbs, to the Committee on Claims.

On motion of Mr. McKibben, Senate bill as amended by the Assembly, for "An Act to amend an Act declaring certain Rivers and Creeks navigable," passed February 18th, 1851, was referred to the Committee on Commerce and Navigation.

Assembly bill for "An Act supplementary to an Act incorporating the City of Marysville," was read twice, and

Referred, on motion of Mr. Smith, to the Senator from Yuba and Sierra, (Mr. McKibben.)

Mr. Kurtz, pursuant to notice, introduced a bill for "An Act authorizing the Board of Supervisors of San Diego County to levy a special tax for the erection of a County Jail," which was read the first and second time, when,

On motion of Mr. Kurtz, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Hubbs moved that the Senate proceed to the consideration of Senate bill for "An Act for the protection of property of the State in the City of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851.

Mr. Catlin moved a call of the Senate.

Which was sustained, and Messrs. Kurtz and Ralston were absent.

The Sergeant at-Arms was despatched for the absentees.

Mr. Hager moved that the call be suspended.

On which Messrs. Catlin, Lind and Wombough, demanded the ayes and nays.

And the motion was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	McKibben,
Coffroth,	Smith,
De la Guerra,	Snyder,
Foster,	Wade—12.

NAYS.

Messrs. Estill,	Messrs. Roach,
Gruwell,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Lind,	Wombough,
Lott,	Williams—13.
Lyons,	

Messrs. Kurtz and Ralston appeared and were admitted, when,

On motion of Mr. Hubbs, the call was supended.

Mr. Hager, from the Judiciary Committee, to whom was referred Senate bill for "An Act for the protection of the property of the State in the City of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, submitted a minority report, with a substitute, and recommended that all after the enacting clause in the original bill be struck out, and the substitute inserted.

The report was accepted, and laid upon the table.

Mr. Crabb, from the Judiciary Committee, also submitted a minority report against the passage of the same bill.

The report was read, when, objection be made to its acceptance, Mr. Crabb asked leave to withdraw it.

Objection being being made to the withdrawal, the question was taken on its acceptance.

And the ayes and nays were demanded by Messrs. Hubbs, Wombough and Sprague, with the following result:

AYES.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Lind,
Crabb,	Smith,
Foster,	Snyder,
Gruwell,	Wade—11.
Hager,	

NAYS.

Messrs. Coffroth,	Messrs. Ralston,
Estill,	Roach,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lott,	Wombough,
Lyons,	Williams—15.
McKibben,	

So the Senate refused to accept the report.

The question recurring on the motion to take up the bill,

The ayes and nays were demanded by Messrs. Wombough, Kurtz and Lind, with the following result:

AYES.

Messrs. Estill,	Messrs. Lott,
Foster,	Lyons,
Gruwell,	Sprague,
Hubbs,	Walkup,

Messrs. Keene,
Kurtz,
Lind,
Messrs. Walton,
Wombough—13.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Hager,
Hudspeth,
Messrs. McKibben,
Ralston,
Smith,
Snyder,
Wade,
Williams—13.

So the Senate refused to take up the bill.

Mr. Walkup introduced a resolution instructing the Committee on State Hospitals to report, to-morrow, the bill for the establishment of an Insane Asylum, together with the repeal of all the laws providing for the establishment and support of Hospitals in this State.

Which was adopted.

Mr. Sprague offered a resolution instructing the Secretary of the Senate to transmit to the Comptroller of State the original pay rolls, accounts, and vouchers, accompanying the Governor's message to the Senate, on the subject of the claims of the Mounted Rangers, under Capt. B. Wright and Charles McDermott.

Adopted.

On motion of Mr. Hubbs, the Senate as in Committee of the Whole, Mr. Lyons in the chair, proceeded to the consideration of the special order of the day, being "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto;" and having made some progress therein,

On motion of Mr. Lind, the Committee rose, reported progress, and asked leave to sit again.

Which was granted.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval,

"An Act to provide for the erection of a Jail in Sacramento county;" and

"An Act to provide for the compilation and publication of the laws of the State of California, and the payment thereof;" and

"An Act to authorize the Board of Supervisors of Los Angeles county to levy a Special Tax for erection of County Buildings."

The report was adopted.

On motion of Mr. Smith the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, April 23, 1853.

The Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.* in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read, corrected and approved.

Mr. Lyons, Chairman of the Committee on Engrossment, reported that the committee have examined a bill for "An Act supplementary to an Act to provide for the appointment, and prescribe the duties of Guardians," passed April 19th, 1850, and find it correctly engrossed, except the following: instead of

"The People of the State of California represented in Senate and Assembly, do enact the following as an additional section to the Act aforesaid, as section fifty." The committee have inserted the following—

"The People of the State of California represented in Senate and Assembly, do enact as follows:

"Sec. 1. The following shall be an additional section to the Act to provide for the appointment, and prescribe the duties of Guardians, passed April 19, 1850."

On motion of Mr. Lott, the report was concurred in.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred the petition of J. C. Johnson, of El Dorado county, asking the issue of a duplicate War Loan Bond, reported the same back with a bill for "An Act to authorize the issue of a duplicate twelve per cent. War Bond to John C. Johnson."

The report was adopted, the bill read a first and second time, when

On motion of Mr. Keene, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Crabb presented the claim of Maj. John Brown, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Lott presented a memorial from citizens of Butte county, in favor of the passage of a bill for "An Act for the appointment of a Board of Commissioners to dispose of the interests of the State of California in and to certain property in the city of San Francisco."

Which was read and laid upon the table, on motion of Mr. Wombough.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to fund the debt of the county of Yolo, and to provide for the payment thereof."

Which was read the first time, and ordered printed under the rule.

Mr. Foster, from the committee of conference on the disagreeing votes of the two Houses upon Senate bill for "An Act to fix the compensation of

County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April, 1850," submitted a report,

Which was read, when

Mr. Walkup moved to lay it upon the table, which was agreed to.

Mr. Foster gave notice that on to-morrow, or an early day thereafter, he would introduce a bill to amend "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions," passed April 22, 1850.

Mr. Snyder moved to take from the table Assembly bill for "An Act for the relief of Reuben Clark and William Crane,"

Which was agreed to.

On the question, "shall the bill be read a third time?"

The ayes and nays were demanded by Messrs. Lyons, Hubbs and Walton, with the following result;

AYES.

Messrs. Coffroth,	Messrs. Smith,
Estill,	Sprague,
Kurtz,	Wade,
Lott,	Wombough,
Roach,	Williams—10.

NAYS.

Messrs. Baird,	Messrs. Keene,
Catlin,	Lind,
Crabb,	Lyons,
De la Guerra,	McKibben,
Foster,	Ralston,
Gruwell,	Snyder,
Hager,	Walkup
Hubbs,	Walton—17.
Hudspeth,	

So the bill was not read a third time.

Mr. McKibben, to whom had been referred Assembly bill for "An Act supplementary to the Act incorporating the city of Marysville," reported the same back, and recommended its passage.

The report was accepted, the bill read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Lott, McKibben and Catlin, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Kurtz,
Crabb,	McKibben,
Coffroth,	Ralston,

Messrs.	De la Guerra,	Messrs.	Smith,
	Foster,		Wade,
	Gruwell,		Wombough,
	Hager,		Williams—17.
	Hudspeth,		

NAYS.

Messrs.	Hubbs,	Messrs.	Roach,
	Lind,		Snyder,
	Lott,		Sprague,
	Lyons,		Walkup—8.

So the bill was passed.

A message was received from the Governor, informing the Senate that he approved, on the 22d instant, "An Act to authorize the Board of Supervisors of Los Angeles county to levy a special tax for the erection of County Buildings;"

And "An Act to provide for the incorporation of Railroad Companies."

Mr. Lyons, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed, "An Act authorizing the Board of Supervisors of San Diego to levy a special tax for the erection of a county jail;" and

"Concurrent Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

Report adopted.

A message was received, informing the Senate, that the Assembly passed, on the 22d instant, Senate bill for "An Act to amend an Act to establish a standard of Weights and Measures," passed March 30, 1850;

And a "Joint Resolution instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each preceding Session of the Legislature."

And passed on the 23d inst., with amendments, Senate bill for "An Act concerning Notaries Public;"

And concurred in the report of the committee of conference on the disagreeing vote of the two houses on Senate bill for "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act, passed April 22d, 1850."

Assembly "Joint Resolution instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each of the preceding Sessions of the Legislature," was read twice, and referred,

On motion of Mr. Wombough, to the Committee on the State Library.

Mr. Hager moved to refer Senate bill for "An Act concerning Notaries Public," amended by the Assembly, to the Judiciary Committee.

On which Messrs. Sprague, Wade and Hager, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hubbs,
Crabb,	Keene,
Coffroth,	Smith,
De la Guerra,	Sprague,
Foster,	Wade,
Gruwell,	Williams—14.

NAYS.

Messrs. Estill,	Messrs. McKibben,
Hudspeth,	Roach,
Kurtz,	Snyder,
Lind,	Walkup,
Lott,	Walton,
Lyons,	Wombough—12.

So the reference was agreed to.

Mr. Walkup, agreeably to notice, introduced a bill for "An Act concerning the auditing of accounts of the Court of Sessions, and Board of Supervisors."

Which was read twice, and referred,

On motion of Mr. Walkup, to the Committee on Public Expenditures.

Mr. Wombough gave notice that, on to-morrow, or an early day thereafter, he would introduce a bill for "An Act to amend an Act concerning Corporations," passed April 22, 1850.

Mr. Smith gave notice that he would, on to-morrow, move a re-consideration of the vote referring the Act concerning Notaries Public to the Judiciary Committee.

The Chair laid before the Senate the special order of the day, being a bill for "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto."

Which was taken under consideration.

Mr. Hager moved to amend section five of the amendments reported by the select committee, by inserting after the word slips, in the first line, the following words: "or wharves now used or made so by any legal ordinance of the city of San Francisco, or any lands so appropriated for any slips or wharves."

On which the ayes and nays were demanded by Messrs. Hubbs, Kurtz and Hager, when

Mr. Crabb moved a call of the Senate.

On which Messrs. Baird, Crabb and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lyons,
Crabb,	Ralston,
Foster,	Smith,
Hager,	Snyder,
Hubbs,	Wade,
Hudspeth	Williams—14.

NAYS.

Messrs. Coffroth,	Messrs. McKibben,
Estill,	Roach,
Gruwell,	Sprague,
Keene,	Walkup,
Kurtz,	Walton—11.
Lott,	

So the motion for a call was sustained, and Mr. Wombough was absent.
The Sergeant-at-Arms was dispatched for the absentee.
Mr. Wombough appeared and was admitted.
On motion of Mr. Wade, the call was suspended.
The question recurring on the adoption of the amendment,
Mr. Sprague moved to lay the whole subject upon the table.
On which the ayes and nays were demanded by Messrs. Wombough, Sprague and Wade, and the motion was lost by the following vate:

AYES.

Messrs. Estill,	Messrs. Lyons,
Gruwell,	Ralston,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough—13.
Lott,	

NAYS.

Messrs. Baird,	Messrs. Hudspeth
Catlin,	McKibben,
Crabb,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,
Foster,	Wade,
Hager,	President—14.

Mr. Coffroth moved that the Senate do now adjourn.

On which Messrs. Wade, Coffroth and Wombough demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Lott,
Estill,	Lyons,
Gruwell,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—13.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Ralston,
Catlin,	Roach,
Crabb,	Smith,
Foster,	Snyder,
Hager,	Wade,
Hudspeth,	Williams—13.
McKibben,	

Mr. Smith moved that the Senate adjourn to seven o'clock, Monday evening.

On which Messrs. Wade, Catlin and Smith demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Keene,	Messrs. Smith,
Lind,	Snyder,
Lyons,	Williams—6.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Lott,
Crabb,	McKibben,
Coffroth,	Ralston,
Estill,	Roach,
Foster,	Sprague,
Gruwell,	Wade,
Hager,	Walkup,
Hubbs,	Wombough—19.
Hudspeth,	

Mr. Walton moved that the Senate do now adjourn.

On which Messrs. Wade, Smith and Catlin demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, Estill, Gruwell, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, Ralston, Roach, Sprague, Walkup, Walton, Wombough—15.

NAYS.

Messrs. Baird, Catlin, Crabb, De la Guerra, Foster, Hager, Hudspeth, McKibben, Smith, Snyder, Wade, Williams—12.

So the Senate adjourned to 11 o'clock, Monday.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Monday, April 25, 1853.

Senate met pursuant to adjournment.
Hon. B. F. Keene, President *pro tem.*, in the chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Saturday was read and approved.
Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back Senate bill for "An Act concerning the auditing of accounts by the Court of Sessions, and Board of Supervisors;" and recommended its passage, without amendment.
The report was accepted, and laid upon the table.

Mr. Lind, Chairman of the Senate Committee on Enrollment, reported as correctly enrolled, "An Act to extend and better define the powers and duties of the City Council of the city of Sacramento, and to authorize the establishment of Free Schools in said city;"

"An Act to authorize the Pacific Mail Steamship Company to hold, use, and occupy certain lands in the city of Benicia;" and

"An Act in relation to the interest on the Funded Debt of 1852."

Report adopted.

Mr. De la Guerra, Chairman of the Committe to procure the translation of the Laws into the Spanish language, reported that the Committee had been unable to procure a competent person under the terms of the laws of 1852, and submitted a bill for "An Act to provide for the translation of the Laws into the Spanish Language, for the year 1853."

The bill was read the first time, when

On motion of Mr. Roach, the rules were suspended, and the bill read a second time.

Mr. Kurtz moved a further suspension of the rules.

Which was agreed to.

And the bill was considered engrossed, read a third time, and passed.

Mr. Smith, on leave, introduced a bill for "An Act providing for a Judicial Fund."

Which was read a first and second time, and referred, on motion of Mr. Smith, to the Committee on the Judiciary.

Mr. Wombough, agreeably to notice, introduced a bill for "An Act to amend an Act concerning Corporations, passed April 22, 1850."

Which was read the first and second time.

The bill was amended on motion of Mr. Coffroth, when

Mr. Baird moved its reference to the Judiciary Committee, with instructions to report the same back to morrow.

Which was agreed to.

Mr. McKibben, Chairman of the Committee on Education and State Library, reported back Assembly Joint Resolution, instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each of the preceding Sessions of the Legislature, and recommended its passage.

The report was accepted and laid upon the table

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed:

"An Act amendatory of, and supplementary to the Act to regulate proceedings in civil cases in the Courts of Justice of this State."

The report was adopted, the bill read a third time and passed.

Mr. Foster moved to take up the report and amendments of the Conference Committee on the bill for "An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions," and to repeal a like Act passed 22d April, 1852, and that they be referred to the Delegations from Placer and San Francisco counties in the Senate, with instructions to agree on the compensation of the Judges of their respective counties, and report on Tuesday next; and that the Assembly be requested to recede from their vote adopting the report, and to refer it to the Delegations

from said counties, to act as a Committee of Free Conference with the Senate Committee aforesaid.

The motion was adopted.

Mr. Smith moved a reconsideration of the vote by which Senate bill for "An Act concerning Notaries Public," was referred, on the 23d instant, to the Judiciary Committee.

Which was agreed to.

Mr. Walton moved to recommit the bill to the Judiciary Committee, with instructions to report to-morrow.

Which was agreed to.

Mr. Snyder moved to reconsider the vote by which the Senate, on Saturday, refused to pass Assembly bill for "An Act for the relief of Reuben Clark and William Crane," to its third reading.

Which was agreed to.

Senate bill for "An Act to Fund the Debt of the county of Yolo and provide for the payment thereof," was read a second time and referred, on motion of Mr. Crabb, to the Senator from Yolo, (Mr. Wombough.)

Mr. Coffroth moved that Senate bill for "An Act to compensate Dr. John B. Trask, for his report on the Geology of the Mineral Districts, and enable him to make further examinations," be referred to the Committee on Public Expenditures.

Mr. Snyder moved to amend, by adding "instructions."

Which was not agreed to.

The question was then taken on the motion to refer, and the ayes and nays were demanded by Messrs. Snyder, Catlin, and Walkup, with the following result:

AYES.

Messrs. Baird, Crabb, Coffroth, Hager, Keene, McKibben, Ralston—7.

NAYS.

Messrs. Catlin, De la Guerra, Estill, Foster, Gruwell, Hubbs, Hudspeth, Kurtz, Lind, Lott, Lyons, Smith, Snyder, Sprague, Wade, Walkup, Walton, Williams—18.

So the reference was not agreed to.

Mr. Snyder moved that the bill be ordered engrossed for a third reading.

On which, Messrs. Coffroth, Wombough, and Snyder, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Roach,
Estill,	Smith,
Foster,	Snyder,
Hubbs,	Wade,
Hudspeth,	Walkup,
Kurtz,	Walton,
Lott,	Wombough,
Lyons,	Williams—17.
McKibben,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Crabb,	Keene,
Coffroth,	Lind,
De la Guerra,	Ralston,
Gruwell,	Sprague—10.

So the bill was ordered engrossed.

On motion of Mr. Walkup, Senate bill for "An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors," was taken under consideration.

Mr. Lyons in the chair.

Mr. Walkup moved that the bill be ordered engrossed for a third reading.

Mr. Crabb moved to amend the bill by inserting an additional section.

Which was not agreed to.

The question was then taken on the motion to engross, and it was agreed to.

Mr. McKibben gave notice of his intention to move a reconsideration of the vote on the passage of Assembly bill for "An Act supplementary to the Act incorporating the city of Marysville."

On motion of Mr. Wombough, Senate bill for "An Act to provide for compensation to owners of private property appropriated to the use of Corporations," was taken from the table and made the special order of the day for Saturday next, at 12 o'clock, and every day thereafter until disposed of.

On motion of Mr. Hager, the Senate proceeded to the consideration of the special order of the day, being "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto."

Mr. Hubbs moved that the further consideration of the special order be postponed to 12 o'clock, on Thursday next.

Mr. Crabb moved a call of the Senate, which was sustained, and Messrs. Coffroth and Lott were absent.

The absentees having appeared,

On motion of Mr. Walton, the call was suspended.

The question recurring on the motion to postpone to Thursday,

The ayes and nays were demanded by Messrs. Hubbs, Walkup and Hager, with the following result:

AYES.

Messrs. Estill, Gruwell, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, Sprague, Walkup, Walton, Wombough—12.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Foster, Hager, Hudspeth, McKibben, Ralston, Roach, Smith, Snyder, Wade, Williams—15.

So the Senate refused to postpone.

Mr. Ralston moved to recommit the special order to a select committee of five.

On which Messrs. Sprague, Keene and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill, Gruwell, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, Ralston, Sprague, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Hudspeth, McKibben, Roach, Smith, Snyder,

Messrs. Foster,
Hager,
Messrs. Wade,
Williams—14.

So the motion to recommit was lost.

The question recurring on the amendment offered by Mr. Hager, Mr. Smith offered the following as a substitute to section five:

"No open slips or wharves now used and constructed, or under process of construction, under any legal ordinance of the city of San Francisco, passed prior to January 1, 1853, or any lands so appropriated for any slips or wharves, shall be sold, but they shall remain subject to the future action of the Legislature; but all lands other than those named heretofore in this section, may, from time to time, be sold and conveyed in the manner prescribed in this Act.

Mr. Catlin moved, as an amendment, to add the following proviso:

Provided, That nothing in this section contained shall be construed as a confirmation by the State of any ordinances of the city of San Francisco, in relation to such wharves, slips or property.

Which was accepted by Mr. Smith.

The question was then taken on the substitute as amended.

And the ayes and nays were demanded by Messrs. Baird, Hudspeth and Smith, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
De la Guerra,
Foster,
Hager,
Hudspeth,
Messrs. McKibben,
Roach,
Smith,
Snyder,
Wade,
Williams—13.

NAYS.

Messrs. Coffroth,
Estill,
Gruwell,
Hubbs,
Keene,
Kurtz,
Lind,
Messrs. Lott,
Lyons,
Ralston,
Sprague,
Walkup,
Walton,
Wombough—14.

So the substitute was not agreed to.

Mr. Kurtz moved that the Senate do now adjourn.

On which, the ayes and nays were demanded by Messrs. Catlin, Crabb, and Kurtz, and the Senate refused to adjourn by the following vote:

AYES.

Messrs. Estill,
Gruwell,
Hubbs,
Lind,
Lott,
Sprague,
Walkup—7.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Foster,
Hager,
Hudspeth,
Keene,
Kurtz,
Lyons,
McKibben,
Ralston,
Roach,
Smith,
Snyder,
Wade,
Walton,
Wombough,
Williams—20.

Mr. Hager moved that the Senate take a recess until 7½, P. M.

Mr. Walton moved to amend, by making it 8, P. M., and the question being first taken on the longest time, the ayes and nays were demanded by Messrs. Baird, Catlin, and Hager, with the following result:

AYES.

Messrs. Catlin,
Coffroth,
De la Guerra,
Estill,
Foster,
Hager,
Keene,
Lyons,
Roach,
Smith,
Snyder,
Walkup,
Walton,
Williams—14.

NAYS.

Messrs. Baird,
Crabb,
Gruwell,
Hubbs,
Hudspeth,
Kurtz,
Lind,
Lott,
Ralston,
Sprague,
Wade,
Wombough—12.

So the Senate took a recess until 8, P. M.

EVENING SESSION.

Senate re-assembled at 8, P. M.

President in the chair.

The Senate proceeded to the consideration of the special order, being "An Act to dispose of the interests of the State of California in certain property, and quiet the title thereto.

Mr. Wombough moved to amend section five of the amendments submitted by the Select Committee, by adding to the section the following words:

"This Act shall be submitted to a vote of the people of the State, at the next general election, and the Governor is hereby required to give notice of the same, in the election proclamation, in like manner as for the several officers to be chosen."

If a majority of the qualified electors of the State shall vote in its favor, the Governor shall then direct the Commissioners provided for in this Act, to enter upon the performance of their duties: but if a majority of the qualified electors vote against this Act, then it shall be void.

The returns of the vote upon this Act shall be made by the different County Clerks to the Secretary of State, in the same manner as is by law required to be made for the State officers.

On which, the ayes and nays were demanded by Messrs. Hubbs, Wombough, and Keene, and the amendment was agreed to, by the following vote:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Hudspeth, Keene, Lind, Lott, Lyons, Ralston, Roach, Smith, Snyder, Sprague, Wade, Walkup, Walton, Wombough, Williams—25.

NAYS.

Mr. Kurtz—1.

Mr. Wombough moved to strike out the sixth section, as follows:

On motion of Mr. Keene, Senate bill for "An Act to establish an Asylum for the Insane of the State of California," was taken from the table.

Mr. Crabb moved to amend section one of the bill, by striking out the following words: "The Stockton State Hospital and."

On which Messrs. Hubbs, Crabb and Wombough, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Crabb,	Wade—4.

NAYS.

Messrs. Baird,	Messrs. Lind,
Coffroth,	Lott,
De la Guerra,	Lyons,
Foster,	Roach,
Gruwell,	Snyder,
Hager,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—18.

So the amendment was not agreed to.

The Senate, as in Committee of the Whole, (Mr. Hubbs in the chair,) proceeded to the further consideration of the bill, and having made sundry amendments thereto, the bill was reported back, when,

On motion of Mr. Keene, it was engrossed for a third reading.

Mr. Snyder moved a call of the Senate.

Which was sustained, and Messrs. Baird and Kurtz were absent.

On motion of Mr. McKibben, further proceedings under the call were suspended.

Senate bills for "An Act to compensate Dr. John B. Trask, for his report on the Geology of the mineral districts, and to enable him to make further examinations," was read a third time, and on the question of its passage,

The ayes and nays were demanded by Messrs. Coffroth, Wombough and Hubbs, with the following result:

AYES.

Messrs. Catlin,	Messrs. McKibben,
Crabb,	Smith,
Estill,	Snyder,
Hubbs,	Wade,
Hudspeth,	Walkup,
Lott,	Wombough,
Lyons,	Williams—14.

NAYS.

Messrs. Coffroth, De la Guerra, Foster, Gruwell, Hager, Keene, Lind, Ralston, Roach, Sprague, Walton—11.

So the bill was passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act for dividing the County of Los Angeles, and making a new county therefrom, to be called San Bernardino county."

The report was adopted.

Mr. Lind, Chairman of the Committee on Enrollment, also reported that the committee had this day presented to the Governor, for his approval—

"An Act to extend and better define the powers and duties of the City Council of the City of Sacramento, and to authorize the establishment of Free Schools in said city."

Also, "An Act in relation to the Interest on the Funded Debt of 1852."

Also, "An Act to authorize the Pacific Mail Steamship Company to hold, use and occupy, certain Lands in the City of Benicia."

And "An Act for dividing the County of Los Angeles, and making a new county therefrom to be called San Bernardino County."

Report adopted.

Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract," was read a third time, when

Mr. Hager moved to lay it upon the table.

Lost.

The question was then taken on the passage of the bill.

And the ayes and nays were demanded by Messrs. Kurtz, Lind and Walkup, with the following result:

AYES.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Kurtz, Lott, Lyons, Roach, Smith, Wade, Walton—12.

NAYS.

Messrs. Catlin, Hager, Hubbs, Lind, Ralston, Walkup, Wombough, Williams—8.

So the bill was passed.

Senate bill for "An Act concerning the Auditing of Accounts by the Court of Sessions and Board of Supervisors," was read a third time and passed.

Mr. Smith, on leave, introduced a bill for the relief of the Proprietors of the Steamboat Urilda.

Which was read a first and second time, and referred, on motion of Mr. Smith, to the Committee on Claims.

On motion of Mr. Walton, a call of the Senate was ordered, and Messrs. Gruwell, Hudspeth, Keene, Snyder and Sprague were absent.

The Sergeant-at-Arms was despatched for the absentees.

The absentees having appeared,

On motion of Mr. Estill the call was suspended.

Mr. Wombough in the chair.

The special order of the day, being a bill for "An Act to dispose of the interest of the State of California in certain property, and quiet the title thereto," was taken under consideration.

President in the chair.

Mr. Estill moved that the bill be recommitted to a select committee, with instructions to report a bill providing for the extension of the water front of the City of San Francisco, not exceeding six hundred feet; the lots within the limits of said extension to be exposed to sale at public auction, and the whole proceeds paid into the State Treasury, to be set apart as a fund to liquidate the debt of the State. And to bring in a bill incorporating, as nearly as possible, the amendment to the fifth section, offered by Mr. Wombough, and adopted by the Senate.

On which Messrs. Wade, Hubbs and Catlin, demanded the ayes and nays.

And the motion to recommit was lost, by the following vote:

AYES.

Messrs. Estill,	Messrs. Lott,
Gruwell,	Lyons,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Wombough—10.

NAYS.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Ralston,
Crabb,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,
Foster,	Wade,

Messrs. Hager,
Hudspeth,
Lind,
Walton,
Williams—17.

Mr. Hubbs moved to amend section seven of the bill, by inserting at the end of the section the following words:

"*Provided*, That in all cases where the City of San Francisco has made a grant for a wharf or public slip to any person or persons, and the grant or contract has been confirmed by the Legislature, that the improvement provided in this Act shall be so made as to accord therewith."

Which was agreed to.

Mr. McKibben moved the indefinite postponement of the bill and amendments—the whole subject matter.

On motion of Mr. Coffroth, a call of the Senate was ordered, and Messrs. Kurtz, Roach and Williams, were absent.

The absentees having appeared,

On motion of Mr. Crabb, the call was suspended.

The question recurring on the motion to postpone,

Mr. Hubbs rose to a point of order—that amendments, reported by a committee, to a bill, being under consideration, a motion to indefinitely postpone having already failed, it is not in order at this stage of the bill, (during the consideration of the amendments,) to renew the motion to indefinitely postponed.

The President overruled the point of order.

Mr. Hubbs then moved that the bill be recommitted to the select committee which had reported the amendments now under consideration.

The President decided that the motion to postpone indefinitely takes precedence of the motion to to recommit.

The question was then taken on the motion to postpone.

And the ayes and nays were demanded by Messrs. McKibben, Hudspeth and Catlin, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Foster,
Hager,
Hudspeth,
McKibben,
Roach,
Snyder,
Wade,
Williams—13.

NAYS.

Messrs. Estill,
Gruwell,
Hubbs,
Keene,
Lyons,
Ralston,
Sprague,
Walkup,

Messrs. Kurtz,
Lind,
Lott,

Messrs. Walton,
Wombough—13.

Mr. Smith declined voting.

The Senate being equally divided, the President gave the casting vote in the affirmative, and declared the whole subject indefinitely postponed.

Mr. Hubbs moved to adjourn. Lost.

A message was received from the Governor, informing the Senate that he had approved, this day,

"An Act to extend and better define the powers and duties of the City Council of the City of Sacramento, and authorize the establishment of Free Schools in said city."

And "An Act in relation to the Interest on the Funded Debt of 1852."

A message was received informing the Senate that the Assembly passed, on the 23d inst., Senate bill for "An Act to provide for the payment of certain persons therein named, for services rendered, and materials furnished."

And a bill for "An Act to incorporate the City of Monterey."

And reconsidered, on yesterday, their vote adopting the report of the Committee of Conference on the disagreeing vote of the two Houses, on Senate bill for "An Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22d, 1850."

And appointed as a committee of free conference, Messrs. Canney, Myers, Flower, Heydenfeldt, Saunders, Sime, Blake, Cardoza and Taylor.

Assembly bill for "An Act to incorporate the City of Monterey," was read twice, and

Referred, on motion of Mr. Lind, to the Senator from Monterey, (Mr. Roach.)

On motion of Mr. Walton, it was

Resolved, That the Comptroller of State be required to report to the Senate the amount of money, State Bonds, and Comptroller's Warrants, paid into the State Treasury by each county in this State, and also the amount paid to each county, or officers therein, out of the State Treasury, from the commencement of the State Government.

On motion of Mr. Walton, Senate bill for "An Act to determine and define the rights of claimants to the waters of streams in this State, for mining purposes," was taken from the table.

On motion of Mr. Keene, the bill was referred to the Committee on Mines and Mining Interests.

Mr. Sprague gave notice that he would, on to-morrow, introduce a bill to repeal an Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851.

On motion of Mr. McKibben, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

WEDNESDAY, April 27, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for "An Act concerning Notaries Public," and recommended that the Senate do now concur in the Assembly amendments to the bill.

The report was adopted, on motion of Mr. Ralston, and the amendments were concurred in.

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for "An Act to amend an Act concerning Corporations," passed April 22, 1850, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Lyons, Chairman of the Committee on Public Expenditures, reported back Senate bill for "An Act to provide for digging two wells on the immigrant road in San Diego county, and recommended its indefinite postponement.

Mr. Lind moved that the report be concurred in.

Which was agreed to, and the bill was indefinitely postponed.

Mr. McKibben, from the Committee on Claims, reported back the petition of George Wyatt, C. H. Veeder, and others, asking relief for damages sustained by the removal of the Legislature from the former capital, (Vallejo,) and recommended that it lay upon the table.

Mr. Lyons moved the adoption of the report.

On which Messrs. Hubbs, Wombough, and Lyons, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
De la Guerra,
Foster,
Hager,
Hudspeth,
Kurtz,
Lind,
Lott,
Lyons,
Roach,
Smith,
Sprague,
Walkup,
Williams—15.

NAYS.

Messrs. Crabb, Messrs. Ralston,
Estill, Wade,
Gruwell, Walton,
Hubbs, Wombough—9.
Keene,

So the petition was laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the relief of William Waldo, and recommended it to the favorable consideration of the Senate.

The report was accepted, and laid upon the table.

On motion of Mr. Wombough, Senate bill for "An Act to amend an Act concerning Corporations," passed April 22, 1850, was taken from the table, the rules were suspended, on motion of Mr. Wombough, and the bill was considered engrossed, read a third time, and passed.

Mr. Smith, agreeably to notice, introduced a bill for "An Act in relation to joint tenancies and tenancies in common."

Which was read twice and referred, on motion of Mr. Smith, to the Judiciary Committee.

Mr. Estill was granted leave of absence.

Mr. Hubbs presented a remonstrance from citizens of Sonora against the passage of a bill for "An Act to provide for the better publication of official and legal notices."

Which was read and laid upon the table.

Mr. Hubbs moved that Senate bill for "An Act for the protection of the property of the State in the city of San Francisco, and to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, be taken from the table.

Which was agreed to.

The Senate then, as in Committee of the Whole—Mr. Lind in the chair—proceeded to the consideration of the bill; and having made some progress, the committee rose: when,

On motion of Mr. Coffroth, the Senate adjourned to 7½, P. M.

EVENING SESSION.

Senate re-assembled at 7½ o'clock, P. M.

President, *pro tem.*, in the chair.

Mr. Lott moved that the vote approving the Journal of yesterday be reconsidered.

Which was agreed to.

Mr. Lott moved to amend the Journal of yesterday so as to conform to the minutes kept by the assistant Secretary, to wit:

Mr. McKibben moved the bill and the whole subject be indefinitely postponed.

Mr. McKibben stated that he moved the postponement of the amendments and the bill—the whole subject matter.

Mr. Crabb moved, as an amendment to Mr. Lott's motion, the adoption of the motion as stated by Mr. McKibben.

On which the ayes and nays were demanded by Messrs. Catlin, Smith and Williams, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Kurtz,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Smith,
Foster,	Snyder,
Hager,	Wade,
Hubbs,	Walton,
Hudspeth	Williams—18.

NAYS.

Messrs. Estill,	Messrs. Lyons,
Gruwell,	Sprague,
Lind,	Walkup,
Lott,	Wombough—8.

So the amendment was agreed to, and the Journal ordered to be corrected accordingly.

Mr. Sprague moved to take from the table Senate bill for "An Act to apportion the Senatorial and Assembly Districts of this State.

On which Messrs. Sprague, Walton and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Lyons,
Coffroth,	McKibben,
Foster,	Ralston,
Hager,	Roach,
Hubbs,	Sprague,
Keene,	Walkup,
Lind,	Walton—15.
Lott,	

NAYS.

Messrs. Baird,	Messrs. Smith,
Catlin,	Snyder,

Messrs. De la Guerra,
Estill,
Gruwell,
Hudspeth,
Messrs. Wade,
Wombough,
Williams—11.

So the motion was agreed to, and the bill taken from the table.

Mr. Lyons moved to make it the special order for to-morrow, at twelve o'clock.

Mr. Hager moved, as an amendment, to make it the special order for Tuesday next.

On which the ayes and nays were demanded by Messrs. Sprague, Lind and Lyons, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
De la Guerra,
Estill,
Foster,
Gruwell,
Messrs. Hager,
Hudspeth,
Roach,
Smith,
Snyder,
Wombough,
Williams—14.

NAYS.

Messrs. Coffroth,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
Messrs. Ralston,
Sprague,
Wade,
Walkup,
Walton—11.

So the bill was made the special order for Tuesday next.

On motion of Mr. Gruwell, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. Bradford, Secretary.

IN SENATE.

THURSDAY, April 28, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Wednesday was read, corrected and approved.

Mr. Walton, Chairman of the Committee on Miners and Mining Interests, reported back verbally Senate bill for "An Act to define the rights of claimants to the waters of streams in the mining districts of this State, for mining purposes," and recommended its passage.

On motion of Mr. Walton, the rules were suspended, the bill was considered engrossed, read a third time and passed.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back Assembly bill for "An Act to provide for enforcing the collection of taxes on consigned goods," and recommended its passage with amendments.

The report was accepted and laid upon the table.

Mr. Walkup, from the Committee of Conference, submitted the following report:

Mr. President:

The Committee of free conference on the disagreeing votes of the two Houses, on Senate bill entitled "An Act to fix the compensation of County Judges and of Associate Justices of the Court of Sessions, and to repeal a like Act passed April, 1850," have had the same under consideration, and report—

That they have agreed upon the following amended lists of classes and compensation of County Judges; as also amendments to sections three and four; and recommend that the amendments be concurred in and the bill passed.

Amendment to section 1st:

First—Of the county of San Francisco, - - -	$6,000
Second—Of the counties of Sacramento, San Joaquin, and Mariposa, each, - - - - - - -	5,000
Third—Of the counties of Calaveras, Tuolumne, El Dorado, Yuba, and Nevada, each, - - - - -	4,000
Fourth—Of the county of Placer, - - - -	3,500
Fifth—Of the counties of Butte, Shasta, Sutter, Trinity, Alameda, Contra Costa, and Yolo, each, - - -	2,500

Sixth—Of the counties of Tulare, Napa, Sonoma, Colusi, Marin, Santa Clara, and of Humboldt, (when organized,) each, -	$2,000
Seventh—Of the counties of Los Angeles, Klamath, Siskiyou, and Monterey, each, - - - - - -	1,500
Eighth—Of the counties of Santa Barbara and Santa Cruz, each,	1,200
Ninth—Of the counties of San Diego and San Luis Obispo, each,	1,000

Amend section three: Strike out the word "five," in second line, and insert "eight." Also strike out the word "two," in seventh line, and insert "three."

Amend section four: Insert after the word "hereafter," "*Provided*, that the County Judges of the counties of Placer, Nevada, Trinity and Klamath shall be entitled to receive, during the remainder of their term, of the salaries fixed by this Act."

JNO. S. HAGER,
J. R. SNYDER,
JOS. WALKUP,
J. H. BAIRD.
Senate Committee.

GEO. H. BLAKE,
E. HEYDENFELDT,
JOHN SIME,
JOHN H. SAUNDERS,
JAMES M. TAYLOR,
J. N. CARDOZO,
SAMUEL FLOWER,
P. CANNEY,
B. F. MYERS,
Assembly Committee.

On motion of Mr. Foster, the report was concurred in.

A message was received from the Governor, informing the Senate that he had approved, on the 27th instant, "An Act for the compilation and publication of the Laws of the State of California, and the payment thereof."

A message was received, informing the Senate that the Assembly concurred, on the 26th instant, in Senate Concurrent Resolution to adjourn *sine die*, on Wednesday, 11th day of May, at 2 o'clock, P. M.

Mr. Williams moved that Assembly bill for "An Act to divide the County of Trinity, and for a new county out of the western portion of the same, to be called Humboldt, be taken from the table, and referred to the Committee on Counties and County Boundaries, with instructions.

Which was agreed to.

On motion of Mr. Foster, it was

Resolved, That the Comptroller be requested to furnish to the Senate an account of the kind, amount and cost of the public printing, from the date of his last report on this subject, to this date.

On motion of Mr. Gruwell, he was allowed to withdraw the claim and papers relating thereto, of J. D. Hoppe.

On motion of Mr. Coffroth, Senate bill for "An Act concerning the observance of the Sabbath day," was taken from the table.

The Senate then, as in committee of the whole, Mr. Lott in the chair, proceeded to the consideration of the bill, and having made some progress therein,

Mr. Coffroth moved that the bill be considered in Senate.

Which was agreed to.

Mr. Coffroth offered the following substitute to section one of the bill; "that it shall be deemed unlawful, and a breach of the peace for any person or persons to make any public exhibitions, such as bull and bear fighting, cock fighting, circus performances, horse racing, rope or wire dancing, sleight of hand performances, theatrical performances, animal shows or gambling, on the first day of the week commonly called Sunday, or on the night of that day."

Mr. Hubbs moved to strike out the words "theatrical performances."

On which the ayes and nays were demanded by Messrs. Wombough, Coffroth and Crabb, with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
De la Guerra,	Roach,
Foster,	Smith,
Hubbs,	Wade,
Hudspeth,	Walkup,
Keene,	Williams—12.

NAYS.

Messrs. Catlin,	Messrs. Ralston,
Crabb,	Snyder,
Coffroth,	Sprague,
Gruwell,	Walton,
Hager,	Wombough—11.
Lind,	

So the motion was agreed to and the words struck out.

Mr. Baird moved to strike out the words "horse racing."

On which Messrs. Wombough, Walton and Gruwell demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
De la Guerra,	Smith,
Foster,	Sprague,

Messrs. Hubbs,
Hudspeth,
Keene,
Messrs. Wade,
Walkup,
Williams—12.

NAYS.

Messrs. Catlin,
Crabb,
Coffroth,
Gruwell,
Hager,
Lind,
Lott,
Messrs. Lyons,
Ralston,
Roach,
Snyder,
Walton,
Wombough—13.

So the motion to strike out was not agreed to.

Mr. Coffroth moved that the substitute to section one, as amended, be adopted.

On which Messrs. Sprague, Walton and Gruwell demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,
Estill,
Hager,
Hubbs,
Keene,
Messrs. Lind,
Lott,
Roach,
Snyder,
Wombough—10.

NAYS.

Messrs. Baird,
Crabb,
De la Guerra,
Foster,
Gruwell,
Hudspeth,
McKibben,
Messrs. Ralston,
Smith,
Sprague,
Wade,
Walkup,
Williams—13.

So the substitute was not adopted.

Mr. Coffroth moved to lay the bill upon the table.

On which Messrs. Smith, Wombough and Gruwell demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth,
De la Guerra,
Foster,
Messrs. Lott,
Lyons,
Smith,

Messrs. Hager,
Keene,
Messrs. Wade,
Williams—10.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Estill,
Gruwell,
Hubbs,
Hudspeth,
Lind,
Messrs. Ralston,
Roach,
Snyder,
Sprague,
Walkup,
Walton,
Wombough—15.

Mr. Walton moved that the bill be recommitted to a special committee of three.

Which was agreed to.

And the Chair announced as the committee, Messrs. Walton, Gruwell and Coffroth.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act to provide for the payment of certain persons therein named for services rendered, and materials furnished;" and also

"An Act to amend an Act to establish a Standard of Weights and Measures," passed March 30th, 1850; and that the committee had corrected a grammatical error in the fifth line of the fourth section of the last named bill, by changing the word "conflict" to "conflicts," and the word "are" to "is."

Report concurred in.

A message was received, informing the Senate that the Assembly, on yesterday, passed

Senate bill for "An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850;"

Also, "An Act to authorize the issue of a duplicate twelve per cent. War Loan bond to John C. Johnson;"

And refused to adopt Senate Concurrent Resolution, authorizing Dr. John B. Trask to report more fully upon the unoccupied lands upon the eastern borders of the Sacramento and San Joaquin valleys;

And passed same day Assembly bill for "An Act to provide for the more perfect indexing and classification of the land records of the city and county of San Francisco;"

Also, "An Act to provide for the measurement of lumber;"

Also, "An Act for the relief of Albert Putnam;"

Also, "An Act to authorize County Recorders to administer oaths in certain cases;"

Also, "An Act explanatory and supplementary to an Act providing an additional War Fund, approved April 16, 1853;"

Also, "An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices."

Assembly bill for "An Act to provide for the measurement of lumber,"

was read twice and referred, on motion of Mr. Baird, to the Committee on Commerce and Navigation.

Assembly bill for "An Act to provide for the more perfect indexing and classification of the land records of the city and county of San Francisco," was read twice and referred, on motion of Mr. Baird, to the San Francisco Delegation.

Assembly bill for "An Act for the relief of Albert Putnam," was read twice and referred, on motion of Mr. Lind, to the Committee on Claims.

Assembly bill for "An Act to authorize County Recorders to administer oaths in certain cases," was read twice and referred, on motion of Mr. Ralston, to the Committee on the Judiciary.

Assembly bill for "An Act explanatory and supplementary to an Act providing an additional War Fund," approved April 16th, 1853, was read twice and referred, on motion of Mr. Walton, to the Committee on Indian Affairs.

Assembly bill for "An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices," was read twice, and

Referred, on motion of Mr. Walton, to the Judiciary Committee.

Mr. Estill presented the petition of Luther Wright, praying relief for services rendered as Sheriff of the District of Sonoma in 1850.

On motion of Mr. Smith, the petition was referred to the Committee on Claims."

Mr. Sprague moved that when the Senate adjourn, it will meet at 7½ P. M.

Which was agreed to.

On motion of Mr. Walton, it was

Resolved, That the unfinished business upon the table of the Secretary shall be made the special order each day at one o'clock, in its regular order, until the same is disposed of.

On motion of Mr. Smith, the Senate adjourned to 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President, *pro tem.*, in the chair.

On motion of Mr. Lyons, Assembly bill for "An Act to provide for the better publication of Official and Legal Notices," was taken from the table, and the Senate, as in committee of the whole, proceeded to the consideration of the bill, and having made some progress therein,

Mr. Lyons moved that the bill be considered in Senate.

Which was agreed to.

Mr. Lyons moved to lay the bill upon the table.

On which the ayes and nays were demanded by Messrs. Coffroth, Wombough and Estill, with the following result:

AYES.

Messrs. Catlin, Hager, Hudspeth, Kurtz, Lind, Lott, Lyons, Ralston, Roach, Walkup, Walton—11.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hubbs, Keene, Sprague, Wombough, Williams—12.

So the motion to lay on the table was lost.

Mr. Coffroth moved to amend line forty of section two, by striking out the words, "Newspaper known as the Columbia Gazette," and inserting "Newspapers known as the Columbia Gazette or Sonora Herald."

On which the ayes and nays were demanded by Messrs. Coffroth, Walton and Wombough, and the amendment was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, De la Guerra, Hager, Hubbs, Keene, Ralston, Sprague, Walkup, Walton—10.

NAYS.

Messrs. Baird, Crabb, Estill, Foster, Gruwell, Hudspeth, Kurtz, Lind, Lott, Lyons, Roach, Wombough, Williams—13.

Mr. Coffroth moved to strike out the eleventh subdivision of section one of article two, as follows: "For the county of Tuolumne, all such notices or

advertisements shall be published in the newspaper known as the Columbia Gazette, now printed in the county of Tuolumne."

On which Messrs. Coffroth, Crabb and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Hubbs, Keene, Walkup—5.

NAYS.

Messrs. Baird, Catlin, Crabb, Estill, Foster, Gruwell, Hudspeth, Kurtz, Lind, Lott, Lyons, Ralston, Roach, Sprague, Walton, Wombough, Williams—17.

So the motion to strike out was lost.

Mr. Sprague moved to lay the bill upon the table.

On which Messrs. Sprague, Lind and Walton demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Hudspeth, Keene, Lind, Lyons, Sprague, Walton—7.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hubbs, Kurtz, Lott, Ralston, Roach, Walkup, Wombough, Williams—15.

Mr. Walkup moved to amend section first of article first, by striking out the words, "to the estates of deceased persons, to the formation, change or dissolution of partnership."

On which Messrs. Foster, Lyons and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,
De la Guerra,
Foster,
Hubbs,
Keene,
Lind,
Roach,
Sprague,
Walkup—9.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Estill,
Gruwell,
Hudspeth,
Kurtz,
Lott,
Lyons,
Ralston,
Walton,
Wombough,
Williams—13.

So the motion to strike out was lost.

Mr. Sprague in the chair.

Mr. Lind moved to adjourn.

On which Messrs. Lind, Coffroth and Hubbs, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Estill,
Kurtz,
Lind,
Lyons,
Walkup,
Walton,
Wombough—7.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Foster,
Gruwell,
Hubbs,
Hudspeth,
Keene,
Lott,
Ralston,
Roach,
Sprague,
Williams—15.

Mr. Keene moved to amend the eighth subdivision of section one of article two, by inserting after the word "Advocate," the words "and Placerville Appeal."

On which Messrs. Keene, Baird and Coffroth demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Coffroth, Hager, Hubbs, Keene, Lyons, Roach, Sprague, Walkup, Walton—10.

NAYS.

Messrs. Baird, Crabb, De la Guerra, Foster, Gruwell, Hudspeth, Kurtz, Lott, Ralston, Wombough, Williams—11.

Mr. Walton moved that the bill be recommitted to a select committee of five.

On which Messrs. Hudspeth, Walton and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra, Estill, Gruwell, Hager, Keene, Kurtz, Lind, Lott, Lyons, Ralston, Roach, Sprague, Walkup, Walton, Wombough—15.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Foster, Hudspeth, Williams—7.

So the motion was agreed to.

And the Chair announced as the committee, Messrs. Walton, Hubbs, Lyons, Wombough and Estill.

Mr. Estill moved to reconsider the vote, on yesterday, making Senate bill for "An Act to apportion the Senatorial and Assembly districts of this State, the special order for Tuesday next.

On which Messrs. Crabb, Baird and Hudspeth demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,	Messrs. Lyons,
Hubbs,	Sprague,
Keene,	Walkup,
Lind,	Walton—9.
Lott,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth
Crabb,	Ralston,
De la Guerra,	Roach,
Foster,	Wombough,
Gruwell,	Williams—12.

So the motion to reconsider was lost.

On motion of Mr. Lott, Mr. Snyder was granted leave of absence until Monday evening.

On motion of Mr. Baird, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, April 29, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred Senate bill for "An Act to encourage the settlement and secure

improvements on wild and unoccupied lands," reported the same back, with amendments, and asked the concurrence of the Senate in the same.

The report was accepted and laid upon the table.

Mr. Sprague, Chairman of the Committee on Indian Affairs, reported back Assembly bill for an Act explanatory and supplementary to "An Act providing an additional War Fund," approved April 16, 1853, and recommended its passage without amendment.

The report was accepted and laid upon the table.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back verbally Assembly bill for "An Act to provide for the Measurement of Lumber," and recommended its passage, with amendments.

The report was accepted; when,

On motion of Mr. Lott, the bill was taken under consideration, and the Senate having considered the same as in committee of the whole, it was reported back with an amendment.

Which was concurred in on motion of Mr. Lott.

Mr. Catlin moved to strike out section two, as follows:

"All boards, plank, timber and shingles, designed for use or exportation as aforesaid, shall be of such thickness and quality as they are declared to be by the seller."

On which the ayes and nays were demanded by Messrs. Crabb, Hager and Gruwell, with the following result:

AYES.

Messrs. Baird,	Messrs. Foster,
Catlin,	Hager,
Crabb,	Hudspeth,
Coffroth,	Ralston,
De la Guerra,	Roach—10.

NAYS.

Messrs. Estill,	Messrs. Sprague,
Gruwell,	Walkup,
Hubbs,	Walton,
Keene,	Wombough,
Lott,	Williams—10.

So the motion to strike out was lost.

Mr. Hager moved to amend section four by striking out the words "have been" and inserting "be." Which was not agreed to.

Mr. Hager moved to amend section four by inserting in the fifteenth line, after the word "Measurer," the words "or Deputy Measurer."

On which Messrs. Catlin, Hager and Crabb demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hubbs,

Messrs. Crabb,
Coffroth,
De la Guerra,
Foster,
Gruwell,
Hudspeth,
Lind,
Ralston,
Walton—13.

NAYS.

Messrs. Estill,
Keene,
Kurtz,
Lott,
Lyons,
Sprague,
Walkup,
Wombough,
Williams—9.

Mr. Lind moved to strike out section two.

On which Messrs. Crabb, Gruwell and Walkup demanded the ayes and nays, and the section was struck out by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Estill,
Foster,
Hager,
Hudspeth,
Lind,
Lott,
Ralston,
Roach,
Sprague,
Wombough,
Williams—16.

NAYS.

Messrs. Gruwell,
Hubbs,
Keene,
Kurtz,
Lyons,
Walkup,
Walton—7.

The bill was then read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Crabb, Walton and Catlin, with the following result.

AYES.

Messrs. De la Guerra,
Estill,
Gruwell,
Hubbs,
Hudspeth
Keene,
Kurtz,
Lott,
Lyons,
Ralston,
Sprague,
Walkup,
Walton,
Wombough,
Williams—15.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Foster, Lind, Roach—7.

So the bill was passed.

On motion of Mr. Sprague, Assembly bill for an Act explanatory and supplementary to "An Act providing an additional War Fund," approved April 16, 1853, was taken from the table.

The bill was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Lott, Sprague and Kurtz, with the following result:

AYES.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hubbs, Keene, Ralston, Roach, Sprague, Walton—13.

NAYS.

Messrs. Catlin, Hager, Hudspeth, Kurtz, Lott, Walkup, Williams—7.

So the bill was passed.

Mr. Walton, Chairman of the Select Committee, to whom was referred Assembly bill for "An Act to provide for the better publication of Official and Legal Notices," reported the same back, and recommended its passage, with amendments.

The report was accepted, and the Senate proceeded to the consideration of the bill.

Mr. Sprague moved to strike out the following words in the amendment to section one of article one, to wit: "And in that case if more than one thousand dollars are involved by any such notice."

Agreed to.

Mr. Lind moved a reconsideration of the vote on the adoption of the eleventh subdivision of section one of article two, as follows: "For the county of Tuolumne all such notices or advertisements shall be published in the newspaper known as the Columbia Gazette, now printed in the county of Tuolumne."

On which Messrs. Coffroth, Walkup and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
Hager,	Roach,
Hubbs,	Sprague,
Keene,	Walkup,
Lind,	Walton,
Lott,	Wombough—12.

NAYS.

Messrs. Baird,	Messrs. Foster,
Catlin,	Hudspeth,
Crabb,	Kurtz,
De la Guerra,	Ralston—9.
Estill,	

So the vote was reconsidered.

Mr. Catlin moved a call of the Senate, which was sustained, and Messrs. Gruwell, McKibben, Smith, Wade and Williams were absent.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Wombough moved that the Senate take a recess for ten minutes.

Lost.

Mr. Coffroth moved a suspension of the call.

Lost.

Messrs. Gruwell and Williams appeared and were admitted.

On motion of Mr. Lott, further proceedings under the call were suspended.

Mr. Coffroth moved to amend the eleventh subdivision of section one, article two, by inserting after the word "Gazette" the words "or Sonora Herald."

On which Messrs. Coffroth, Walton and Walkup demanded the ayes and nays, and the amendment was agreed to by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
De la Guerra,	Roach,
Estill,	Sprague,
Hager,	Walkup,
Hubbs,	Walton,
Keene,	Wombough—13.
Lind,	

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Kurtz,
Crabb,	Lott,
Foster,	Ralston,
Gruwell,	Williams—10.

Mr. Crabb moved to amend the tenth subdivision of section one of article two by inserting after the words "San Joaquin Republican" the words "or Stockton Journal."

On which Messrs. Crabb, Foster and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. De la Guerra,
Crabb,	Gruwell,
Coffroth,	Sprague—6.

NAYS.

Messrs. Baird,	Messrs. Lott,
Estill,	Lyons,
Foster,	Ralston,
Hubbs,	Roach,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lind,	Williams—16.

So the amendment was not agreed to.

Mr. Lyons in the chair.

Mr. Keene moved to reconsider the vote by which the Senate refused to insert in the eighth subdivision of section one of article two the words "or Placerville Appeal" after the words "Miners' Advocate."

On which the ayes and nays were demanded by Messrs. Catlin, Keene and Lind, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
Hubbs,	Sprague,
Keene,	Walton,
Lind,	Wombough—8.

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	Kurtz,
Crabb,	Lott,
De la Guerra,	Ralston,
Estill,	Walkup,
Foster,	Williams—13.
Gruwell,	

So the motion to reconsider was not agreed to.

The amendments reported by the Committee were then concurred in.

Mr. Sprague moved the adoption of an amendment to section five.

Which was agreed to.

On motion of Mr. Baird, a call of the Senate was ordered, and Messrs. Catlin, Hager, McKibben, Smith and Wade were absent.

The Sergeant-at-Arms was despatched for the absentees.

Mr. Catlin appeared and was admitted.

On motion of Mr. Estill, the call was suspended.

The bill was then read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Catlin, Estill and Crabb, with the following result:

AYES.

Messrs. Estill,	Messrs. Lyons,
Gruwell,	Sprague,
Hubbs,	Walkup,
Kurtz,	Walton,
Lind,	Wombough,
Lott,	Williams—12.

NAYS.

Messrs. Baird,	Messrs. Foster,
Catlin,	Hudspeth,
Crabb,	Keene,
Coffroth,	Ralston,
De la Guerra,	Roach—10.

So the bill was passed.

Mr. Lott, from the Committee on Engrossment, reported as correctly engrossed, "An Act to amend an Act entitled an Act concerning Corporations," passed April 22d, 1850.

Report adopted.

Mr. Wombough moved a reconsideration of the vote on the passage of "An Act to provide for the better publication of official and legal notices."

Mr. Estill moved the indefinite postponement of the motion to reconsider.

On which Messrs. Catlin, Estill and Hudspeth, demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill, Hubbs, Kurtz, Lott, Lyons, Walkup, Williams—7.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Gruwell, Hudspeth, Keene, Lind, Ralston, Roach, Sprague, Walton, Wombough—14.

So the motion to postpone was lost.

Mr. Sprague, agreeably to notice, introduced a bill for "An Act to repeal an Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851.

Which was read twice, and referred, on motion of Mr. Sprague, to the Judiciary Committee.

Mr. Baird, on leave, introduced a bill for "An Act to ratify and confirm an Ordinance passed by the City of San Francisco, on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street."

Which was read twice, and referred, on motion of Mr. Baird, to the Judiciary Committee, with the copy of the ordinance accompanying it.

A message was received informing the Senate that the Assembly this day receded from its amendments to Senate bill, for "An Act concerning Notaries Public;"

And passed, yesterday, Senate bill for "An Act to amend the Sixteenth Section of an Act to provide for the Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the Debt," passed April 20th 1852;

And Assembly bill for "An Act to amend an Act for the protection of Game;"

And Assembly Joint Resolution in relation to establishing a Land Office in the northern part of California.

Assembly bill for "An Act to amend an Act for the protection of Game," was read twice, and

Referred, on motion of Mr. Coffroth, to the Committee on Commerce and Navigation.

Assembly Joint Resolution in relation to establishing a Land Office in the northern part of California, was read twice, and

Referred, on motion of Mr. Baird, to the Committee on Federal Relations.

Mr. Lind moved that the Senate adjourn.

On which Messrs. Coffroth, Roach and De la Guerra, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lott,
De la Guerra,	Lyons,
Estill,	Ralston,
Hubbs,	Walton—10.

NAYS.

Messrs. Crabb,	Messrs. Hudspeth,
Coffroth,	Roach,
Gruwell,	Walkup—6.

So the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, April 30, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Hubbs, Chairman of the Committe on Finance, reported back, for the action of the Senate, Assembly bill for "An Act to amend an Act concerning the office of County Assessor, passed March 27, 1850."

The report was accepted, and the Senate, as in committee of the whole, proceeded to consider the bill, and having amended the same, reported it back, the amendment was concurred in, the bill read a third time, and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to establich an Asylum for the Insane of the State of California;" and

"An Act to define the rights of claimant to the waters of streams in mining districts of this State for mining purposes."

Report adopted.

Mr. Lott, Chaiman of the Committee on Claims, to whom was referred sundry accounts against the State for work done and material furnished, reported the same back with a bill for their payment, entitled "An Act for payment of certain persons therein named, for labor performed, and materials furnished."

The report was accepted, and the bill read a first and second time, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

"An Act to authorize the issue of a duplicate twelve per cent. War Bond to John C. Johnson;" and

"An Act supplementary to an Act to provide for the appointment, and prescribe the duties of Guardians," passed April 19, 1850.

Report adopted.

On motion of Mr. Crabb, Senate bill for "An Act to establish an Asylum for the Insane of the State of California;" was taken from the table.

Mr. Wombough moved to recommit the bill to the Committee on State Hospitals, with instructions to strike out the repealing clauses, and incorporate them in a separate Act to repeal the laws in relation to State Hospitals; and that the Committee report on Monday next.

On which, Messrs. Hubbs, Catlin, and Sprague, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Keene,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Walton,
Gruwell,	Wombough—11.
Hager,	

NAYS.

Messrs. Foster,	Messrs. Lott,
Hubbs,	Lyons,
Kurtz,	Sprague,
Lind,	Walkup—8.

So the motion to recommit, was agreed to.

Mr. Gruwell moved to take from the table, "An Act to encourage the settlement and secure improvements on wild and unoccupied lands."

Which was agreed to.

And the Senate, as in committee of the whole, proceeded to the consideration of the bill, and having made sundry amendments to the same,

On motion of Mr. Crabb, the bill was considered in Senate.

The amendments were concurred in generally, when

Mr. Wombough moved that the bill as amended, be printed.

On which Messrs. Catlin, Hubbs, and Crabb, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Foster,
Crabb,	Gruwell,
Coffroth,	Lyons,
De la Guerra,	Wombough—9.
Estill,	

NAYS.

Messrs. Hubbs,	Messrs. Ralston,
Keene,	Sprague,
Kurtz,	Walkup,
Lott,	Walton—8.

So the motion to print was agreed to.

On motion of Mr. Coffroth, two hundred copies were ordered printed.

Mr. Ralston moved, that the bill be made the special order for next Wednesday, at one o'clock.

Which was agreed to.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, April 30, 1853.

To the Senate and Assembly of the State of California:

I have the honor herewith to transmit a copy of a communication received on yesterday from the Hon. S. Hastings, Attorney General, enclosing a note addressed him by Theodore Payne & Co., Auctioneers, residing in the city of San Francisco. (See Appendix No. 68.)

The Attorney General, it will be seen, states that certain merchants and auctioneers of San Francisco have confederated together to resist the payment of the tax upon consigned goods, and also the provisions of the law relative to auctioneers, so far as it pertains to the payment to the State of any duties collected by them upon personal and real property sold at auction.

It will be recollected, that I directed the attention of the Legislature to this important subject in my annual message at the commencement of

the session, but at that time, was not apprised of the fact, that notwithstanding parties had "confederated together," to resist, in our courts, and on constitutional grounds, this provision of our revenue system; "State duties," were regularly collected on every sale made by them.

It would seem, from the acts of the parties "confederated together," that they regard the law so far constitutional as to authorize the collection of "State duties," but unconstitutional in the requirement to pay the amount, after collected, into the State Treasury.

The amount of "State duties," thus collected, and "now due by auctioneers in the city of San Francisco," in the opinion of Messrs Payne & Co., as will be seen by reference to their statement herewith transmitted, "is probably not less than fifty thousand dollars." The Attorney General has also given this subject careful investigation, and he believes that the amount is nearly, if not quite, one hundred thousand dollars.

The sum so collected, however, be it more or less, rightfully belongs to the State of California.

The amount refused to be paid over has been collected from various persons who have availed themselves of the services of auctioneers, and who were no doubt informed at the time of its payment, that it was "State duties." The item of revenue is too large, and the question involved too important in its bearings upon the interests of the State, to be neglected, and in my opinion every means consistent with the Constitution should be employed to compel the payment of the money collected as "State duties" into the treasury of the State.

It is true that I have directed the Attorney General to institute proceedings to compel the payment of the money thus collected into the State treasury; but in view of the fact, that heretofore successful resistance has been made to the execution of the provisions of the law in question, I deem it my duty to commend the subject to your consideration.

In this connection, I would also respectfully recommend, that in all cases of organized resistance to the revenue laws of the State, such, for instance, as is stated to exist at present, the Attorney General be empowered to designate the county in which such cases, whether civil or criminal, shall be adjudicated.

JOHN BIGLER.

On motion of Mr. Ralston, the message and accompanying communications were referred to the Committee on the Judiciary.

Mr. Estill introduced the following resolution:

That the Chaplain of the Senate be paid his *per diem*, exactly in accordance with the law by which members of the Senate are paid.

The resolution was adopted.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

"An Act to amend the sixteenth section of an Act entitled an Act to provide for the funding the debt of San Joaquin county, for the payment

of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852;" and also,

"An Act concerning Notaries Public;" and,

"An Act to provide for the measurement of lumber."

Report was accepted.

Mr. Lyons in the chair.

Mr. Lind, Chairman of the Committee on Enrollment, also reported that the Committee had this day presented to the Governor for his approval,

"An Act to amend an Act entitled an Act to establish a Standard of Weights and Measures, passed March 30, 1850;" also,

"An Act to provide for the payment of certain persons therein named, for services rendered and materials furnished;" also,

"An Act to authorize the issue of a duplicate twelve per cent. War Loan Bond, to John C. Johnson;" also,

"An Act supplementary to an Act to provide for the appointment and prescribe the duties of Guardians, passed April 19, 1850;" also,

"An Act concerning Notaries Public;" also,

"An Act to provide for the Measurement of Lumber;" and

"An Act to amend the sixteenth section of an Act entitled an Act to provide for funding the debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt, passed April 20, 1852."

The report was adopted.

Mr. Roach, on leave, introduced a bill for "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled An Act to provide for the disposition of certain property of the State of California passed March 26, 1851."

Which was read the first and second time, and on motion of Mr. Roach, referred to the Judiciary Committee.

On motion of Mr. Coffroth, two hundred and forty copies were ordered printed.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred Assembly bill for "An Act to authorize County Recorders to administer oaths in certain cases," reported the same back, without amendment, and recommended its passage.

The report was accepted.

On motion of Mr. Ralston, the Senate proceeded to the consideration of the bill.

Mr. Keene moved to lay the bill upon the table.

Which was agreed to.

On motion of Mr. Lind, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Monday, May 2, 1853.

Senate met pursuant to adjournment.

On motion of Mr. Lott, Mr. Lyons took the chair.

Mr. Lott moved a call of the Senate, which was sustained, and Messrs. Baird, Catlin, Coffroth, Crabb, Foster, Gruwell, Hager, Hubbs, Hudspeth, Keene, Kurtz, McKibben, Roach, Smith, Snyder, Sprague, Wade, Wombough, and Williams, were absent.

There not being a quorum present,

On motion of Mr. Lott, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Tuesday, May 3, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journals of Saturday and Monday were read and approved.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Assembly Joint Resolutions in relation to establishing a Land Office in the northern part of California, and recommended their adoption without amendment.

The report was accepted; and, on motion of Mr. Coffroth, laid upon the table.

Mr. Hager presented the petition of F. Argenti, praying that the Legislature would take some measures to have justice done him for cattle sold to the United States Indian Commissioners for this State; the drafts for which had been protested for nonacceptance and nonpayment.

The petition was read and referred, on motion of Mr. Hager, to the Committee on Federal Relations.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act explanatory and supplementary to an Act approved April 16th, 1853, providing an additional War Fund."

Mr. Lind, from the same committee, also reported as correctly enrolled, "An Act to provide for the better publication of official and legal notices."

The reports were adopted.

Mr. Sprague, from the Judiciary Committee, submitted the following report:

Mr. President:

The Judiciary Committee, to whom was referred Senate bill for "An Act to repeal an Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851, report the same back to the Senate; and a majority of said committee recommend its passage without amendment.

R. T. SPRAGUE,
PAUL K. HUBBS,
CHARLES F. LOTT,
J. H. RALSTON,
M. M. WOMBOUGH.

The report was accepted and laid upon the table.

A message was received from the Governor, informing the Senate that he approved, on the 30th of April, "An Act concerning Notaries Public;"

"An Act to provide for the payment of certain persons therein named, for services rendered and materials furnished;"

"An Act to amend an Act to establish a Standard of Weights and Measures," passed March 30th, 1850;

"An Act supplementary to an Act to provide for the appointment, and prescribe the duties of Guardians," passed April 19th, 1850;

"An Act to authorize the issue of a duplicate twelve per cent. War Bond to John C. Johnson;" and

"An Act to amend the sixteenth section of an Act to provide for Funding the Debt of San Joaquin county, for the payment of the interest thereon, and for the gradual liquidation of the debt," passed April 20th, 1852.

A message was received, informing the Senate that the Assembly, on the 28th April, passed Senate Concurrent Resolution, authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin Valleys.

And passed, on the 29th April, Senate bill for "An Act to compensate Dr. John B. Trask for his report on the Geology of the mineral districts, and to enable him to make further examinations;" and Assembly bill for

"An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered on behalf of the State;" and

"An Act supplemental to an Act providing a Fund for a State Library,"

passed May 1st, 1852; and concurred in Senate amendments to Assembly bill for

"An Act to provide for the Measurement of Lumber."

Assembly bill for "An Act supplementary to an Act providing a Fund for a State Library," passed May 1st, 1852, was read twice and referred, on motion of Mr. Lott, to the Committee on Education and State Library."

Assembly bill for "An Act for the relief of Orrin Bailey, and other persons therein mentioned, for services rendered in behalf of the State," was read twice and referred, on motion of Mr. Lyons, to the Committee on Claims.

A message was received, informing the Senate that the Assembly passed on the 30th April, "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;"

"An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin;"

"An Act for the relief of the claimants of lots or blocks of lands in the town of Union and Eureka, in Trinity county;"

"An Act to amend an Act to regulate proceedings in criminal cases," passed May 1st, 1851; and Senate bill for

"An Act to provide for the translation of the Laws into the Spanish language, for the year 1853;" and passed on the 2d of May, a

"Joint Resolution concerning Elections."

Assembly bill for "An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county," was read twice and referred, on motion of Mr. Lott, to the Committee on the Judiciary.

Assembly bill for "An Act to amend an Act to regulate proceedings in criminal cases," passed May 1st, 1851, was read twice and referred, on motion of Mr. Lott, to the Judiciary Committee.

Assembly bill for "An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin," was read twice; when Mr. Hubbs moved its reference to a select committee.

Mr. Lott moved its reference to the Committee on Corporations.

Which was agreed to.

Assembly bill for "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," was read twice and referred, on motion of Mr. Lyons, to the Committee on Corporations.

Assembly "Joint Resolution concerning Elections," was read twice and referred, on motion of Mr. Sprague, to the Judiciary Committee.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to amend an Act concerning the office of County Assessor," passed March 27th, 1850.

The report was adopted.

Mr. Lind, from the same committee, also reported that the committee had this day presented to the Governor for his approval, "An Act to provide for the better publication of official and legal notices;" and

"An Act explanatory and supplementary to an Act approved April 16th, 1853, providing an additional War Fund."

The report was adopted.

The unfinished business having been made the special order for each day at one o'clock, the President laid before the Senate "An Act to provide for compensation to owners of private property appropriated to the use of corporations: and the Senate, as in Committee of the Whole—Mr. Sprague in the chair—proceeded to consider the bill; and having made sundry amendments thereto, the bill was reported back, the amendments concurred in; and,

On motion of Mr. Wombough, the bill was ordered engrossed for a third reading.

Senate bill for "An Act to apportion the Senatorial and Assembly Districts of this State," made the special order for this day, was passed over for the present.

Mr. Coffroth moved a call of the Senate, which was sustained; and Messrs. De la Guerra, Foster, Hudspeth, Keene, Kurtz, Lind, Lyons, McKibben, Roach, Smith, Walton, Wombough and Williams were absent.

On motion of Mr. Lott, Mr. Keene was granted leave of absence.

On motion of Mr. Coffroth, the call was suspended.

Mr. Wade in the chair.

Mr. Coffroth moved to take from the table, Assembly bill for "An Act for the relief of William Waldo, which was agreed to; and the Senate, as in committee of the whole, considered the bill and reported it back, on motion of Mr. Sprague.

Mr. Crabb moved that the bill be read a third time.

Which was agreed to.

The bill was then read a third time, when Mr. Coffroth moved a call of the Senate, which was sustained; and Messrs. Foster, Hudspeth, Kurtz and Sprague were absent.

On motion of Mr. Coffroth, the call was suspended.

The question recurring on the passage of the bill,

Mr. Walton moved a call of the Senate.

On which Messrs. Lind, Smith and Ralston demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Hager,	Messrs. Snyder,
Lind,	Walkup,
Lott,	Walton,
Lyons,	Wombough,
Roach,	Williams—10.

NAYS.

Messrs. Baird,	Messrs. Gruwell,
Catlin,	McKibben,
Crabb,	Ralston,
Coffroth,	Smith,
De la Guerra,	Wade—11.
Estill,	

Mr. Walton moved to lay the bill upon the table temporarily.
Which was not agreed to.
Mr. Lind moved to adjourn.
On which Messrs. Coffroth, Hubbs and Lind demanded the ayes and nays, and the Senate refused to adjourn by the following vote:

AYES.

Mr. De la Guerra, Mr. Estill—2.

NAYS.

Messrs. Baird, Catlin, Crabb, Coffroth, Gruwell, Hager, Hubbs, Lind, Lott, Lyons, McKibben, Ralston, Roach, Smith, Snyder, Wade, Walkup, Walton, Wombough, Williams—20.

Mr. Walton moved a call of the Senate.
Which was not sustained.
The question was then taken on the passage of the bill, and the ayes and nays were demanded by Messrs. Coffroth, Walton and Baird, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Estill, Gruwell, Kurtz, Lott, McKibben, Ralston, Smith, Wade, Wombough, Williams—15.

NAYS.

Messrs. Foster, Hager, Hubbs, Lind, Lyons, Roach, Snyder, Walkup Walton—9.

So the bill was passed.

Mr. Coffroth moved, that when the Senate adjourn, it will meet at 7½ o'clock, P. M.

Mr. Walton moved that the Senate do now adjourn.

On which Messrs. Coffroth, Catlin and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Smith,
De la Guerra,	Snyder,
Estill,	Sprague,
Kurtz,	Wade,
Lind,	Walkup,
Lott,	Walton,
Lyons,	Williams—15.
McKibben,	

NAYS.

Messrs. Catlin,	Messrs. Hubbs,
Crabb,	Ralston,
Coffroth,	Roach,
Foster,	Wombough—9.
Hager,	

So the Senate adjourned to 11 o'clock, Wednesday.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, May 4, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Wade presented a memorial from citizens of Mariposa county, asking the passage of an Act to authorize some discreet person to organize a company of twenty or twenty-five horsemen, well armed and equipped, to traverse Mariposa and other counties, for the purpose of arresting Joaquin and his associate robbers.

The memorial was read, and on motion of Mr. Lott, referred to the Committee on Military Affairs.

Mr. Catlin presented a petition from citizensof Sacramento, praying the passage of a law investing the unoccupied lands of the city in the corporate authorities of the city of Sacramento and their successors in office.

Which was read and referred, on motion of Mr. Catlin, to the select committee to whom were referred the resolutions upon this subject.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act for the relief of William Waldo."

Report adopted.

Mr. Lind also reported that the Committee on Enrollment had this day presented to the Governor for his approval, "An Act for the relief of William Waldo."

Report adopted.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back Assembly bill for an Act to divide the county of Trinity and form a new county out of the western portion of the same, to be called Humboldt county, and recommended its passage, with amendments.

The report was accepted, and laid upon the table.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Senate Joint Resolutions in relation to grants of land by the General Government, in Utah Territory, and recommended their passage with an amendment.

The report was accepted, the amendment concurred in, the resolutions read a third time, and passed.

Mr. Smith, from the Judiciary Committee, reported back Senate bill for "An Act in relation to joint tenancies and tenancies in common;" and recommended its passage without amendment.

The report was accepted and laid upon the table.

Mr. Ralston, Chairman of the Judiciary Committee, reported back for the consideration of the Senate, Senate bill for an Act providing for a Judicial Fund.

The report was accepted, and laid upon the table.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the relief of Calvin Valpey," and recommended its passage, with amendments.

The report was adopted, the amendments concurred in, the bill read a third time, and passed, with the title amended to read an Act to provide for the payment of freight on State furniture to Calvin Valpey.

Mr. Walkup, Chairman of the Committee on Roads and Highways, reported back Senate bill for "An Act to open and repair State Roads," and recommended the passage of a substitute.

The report was accepted, and laid upon the table.

Mr. Wade, on leave, introduced a bill for an Act for the relief of John W. Jackson.

Which was read twice, and referred, on motion of Mr. Wade, to the Committee on Claims.

Mr. Wade in the chair.

Mr. Roach, on leave, introduced a bill for "An Act to provide for granting Passports."

Which was read the first and second time, when

Mr. Lott moved a suspension of the rules, and that the bill be read a third time.

Mr. Sprague moved to lay the bill upon the table.

Which was agreed to.

Mr. Keene, Chairman of the Committee on State Hospitals, to whom was recommitted, with instructions, Senate bill for "An Act to establish an Asylum for the Insane of the State of California," reported it back, and also "An Act to abolish the present State Hospitals."

The report was accepted, and the Senate, Mr. Hubbs in the chair, proceeded to consider the bill for "An Act to establish an Asylum for the Insane of the State of California."

Mr. Sprague moved to amend the bill by adopting the following as a substitute to section five:

"The Governor shall nominate, and by and with the advice and consent of the Senate, appoint one Resident Physician, who shall be Superintendent of the Asylum; he shall hold his office for two years, and until his successor is elected and qualified; he shall be a graduate in medicine, and shall have practiced his profession at least five years from the date of his diploma; and shall receive an annual salary of five thousand dollars, payable quarterly, out of any moneys belonging to the Hospital fund, or set apart, by law, for the use of the said Asylum. Said Resident Physician shall be supplied with provisions, fuel and household furniture, and such other necessaries as may be required for the comfort of himself and family, if he has one."

On which Messrs. Sprague, Hubbs and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hubbs, Lind, Lott, Lyons, Ralston, Roach, Sprague, Walton—14.

NAYS.

Messrs. Baird, Hager, Keene, Smith, Wade, Walkup, Wombough, Williams—8.

So the amendment was agreed to.

Mr. Hager moved to amend section five, by striking out the words "Governor shall nominate, and by and with the advice and consent of the Senate," and insert "the Board of Trustees."

Mr. Coffroth called for a division of the motion, and the question was first taken on the striking out, and not agreed to.

Mr. Sprague moved the adoption of the following, as a substitute to section seven: "There shall also be appointed in the same manner, an Assistant Physician who shall be a regular graduade in medicine, and who shall have practiced his profession at least five years from the date of his diploma; he shall reside within the Asylum, and perform such duties as may be directed by the Superintendent, and prescribed by the by-laws. He shall have a salary of three thousand dollars per annum.

The substitute was adopted.

Mr. Keene moved that the rules be suspended, and the bill be considered engrossed.

Which was agreed to.

The bill was then read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Wombough, Walton and Lott, with the following result:

AYES.

Messrs. Baird, Catlin, Coffroth, Estill, Foster, Gruwell, Hager, Hubbs, Lind, Lott, Lyons, Roach, Smith, Sprague, Wade, Walkup,

Messrs. Keene, Messrs. Walton,
Kurtz, Wombough—20.

NAYS—none.

So the bill was passed.

Mr. Coffroth, Chairman of the Committee on Federal Relations, to whom was referred the memorial of Felix Argenti, Esq., in relation to debts contracted by the U. S. Indian Agents, reported the same back with Joint Resolutions in relation to claims against the General Government for the supplies to Indian Agents.

The report was accepted, the resolutions read a first and second time, and laid upon the table.

Mr. Keene moved to take from the table Senate bill for "An Act to abolish the present State Hospitals."

Which was agreed to.

The bill, having been reported by the Committee on State Hospitals as a substitute for certain provisions in the Act to establish an Asylum for the Insane of the State, was considered as having passed its first and second reading.

Mr. Smith moved to recommit the bill to the Committee on State Hospitals, with instructions.

Which was not agreed to.

Mr. Smith moved a call of the Senate, which was not sustained.

Mr. Smith moved to strike out the following words in section two, "An Act providing for the erection of a Marine Hospital for the State of California, passed April 9, 1850, is hereby repealed."

"An Act amendatory of section second of an Act creating a Marine Hospital for the State of California, passed April 22, 1850, is hereby repealed."

"An Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California, passed February 7, 1851, is hereby repealed."

"An Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 20, 1851, is hereby repealed."

"An Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April 30, 1851, is hereby repealed."

On which the ayes and nays were demanded by Messrs. Sprague, Keene and Walton, when

Mr. Sprague moved the previous question.

Which was not sustained.

Mr. Smith moved a call of the Senate.

Not agreed to.

The question recurring on the motion to strike out, it was lost by the following vote:

AYES.

Messrs. Baird, De la Guerra, Estill, Hager, McKibben, Smith, Wade, Williams—8.

NAYS.

Messrs. Catlin, Foster, Hubbs, Keene, Kurtz, Lott, Lyons, Sprague, Walkup, Walton, Wombough—11.

The rules were then suspended, the bill was considered engrossed, and read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs Walton, Wade and Keene, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Estill, Foster, Hubbs, Keene, Kurtz, Lott, Lyons, Sprague, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Baird, Catlin, Gruwell, Hager, McKibben, Smith, Wade, Williams—8.

So the bill was passed.

Mr. Walton moved to take from the table Assembly bill for "An Act to authorize County Recorders to administer oaths in certain cases.

Which was agreed to.

The bill was then read a third time, when

Mr. Kurtz moved that the Senate adjourn.

On which Messrs. Coffroth, Sprague and Kurtz demanded the ayes and nays, with the following result:

AYES.

Mr. Estill, Mr. Kurtz—2.

NAYS.

Messrs. Catlin, Coffroth, De la Guerra, Gruwell, Hager, Hubbs, Keene, Lott, Lyons, Ralston, Sprague, Walkup, Walton, Wombough—14.

So the Senate refused to adjourn.

Mr. Wombough moved the previous question.

Which was sustained.

The main question was then put, "Shall the bill be now passed?"

On which the ayes and nays were demanded by Messrs. Lott, Wade and Hager, with the following result:

AYES.

Messrs. Catlin, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hubbs, Ralston, Sprague, Wade, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Hager, Kurtz, Mr. Lott—3.

So the bill was passed.

A message was received, informing the Senate that the Assembly passed on 3d instant, Senate bill for "An Act to amend an Act concerning Corporations," passed April 22, 1850.

Also "An Act to amend an Act to provide for the levying, assessing and collecting Public Revenue," approved April 23, 1852.

"An Act to authorize the County Surveyor of the County of Calaveras to rent an office."

And "An Act to allow the people of Klamath county to vote for a county seat."

Assembly bill for "An Act to authorize the County Surveyor of the County of Calaveras to rent an office," was read twice, and referred,

On motion of Mr. Sprague, to the Senator from Calaveras County, Mr. Lind.

Assembly bill for "An Act to allow the people of Klamath County to vote for a county seat," was read twice, and referred,

On motion of Mr. Wombough, to the Senator from Trinity and Klamath, Mr. Williams.

Assembly bill for "An Act to amend an Act entitled an Act to provide for levying, assessing and collecting Public Revenue," approved April 23, 1852, was read twice, and referred,

On motion of Mr. Walton, to the Select Committee, to whom was referred the consideration of Senate bill for "An Act to provide Revenue for the government of the State."

The special order of the day being Assembly bill for "An Act to provide for enforcing the collection of taxes on consigned goods," was taken under consideration, and the Senate, as in committee of the whole, Mr. Hager in the chair, considered the bill, amended it, and it was reported back, when

Mr. Hubbs moved that it be recommitted to the Select Committee of six, to whom was referred the consideration of the revenue bills.

Which was agreed to.

And the committee was instructed to modify it, so as to accord with those bills.

Mr. Walton gave notice, that on to-morrow, or some subsequent day of the present session, he would introduce "An Act to repeal an Act to provide for the payment of State Prison Inspectors," approved May 3, 1852;

Also "An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," passed April 25, 1851.

Pursuant to a resolution of the Senate, a communication was received from the Comptroller of State in reference to amount of money or scrip, paid each county since the organization of the State government. (See Appendix, No. 69.)

On motion of Mr. Walton, the communication was laid upon the table.

Mr. Sprague moved to take a recess, till 7½ o'clock, P. M.

Mr. Lott moved to adjourn.

Not agreed to.

The Senate then agreed to take a recess until 7½ P. M,

EVENING SESSION.

Senate re-assembled at 7½ o'clock, P. M.

President in the chair.

Mr. McKibben moved to take from the table Assembly bill for "An Act supplementary to the Act incorporating the city of Marysville."

Which was agreed to.

And the bill read a third time and passed.

On motion of Mr. Sprague, Senate bill for "An Act to apportion the Senatorial and Assembly districts of this State," was taken from the table, and the Senate, as in committee of the whole, Mr. Hubbs in the chair, proceeded to the consideration of the bill, and having made sundry amendments thereto,

On motion of Mr. McKibben, the committee rose, and the bill was reported back, when

Mr. McKibben moved to adjourn.

Which was agreed to; and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, May 5, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval, an Act to amend "An Act concerning the office of County Assessor," passed March 27, 1850.

Report adopted.

Mr. Lind, to whom was referred Assembly bill for "An Act to authorize the County Surveyor of the county of Calaveras to rent an Office," reported the same back verbally, and recommended its passage.

The report was adopted, the bill read a third time and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide for compensation to owners of private property appropriated to the use of Corporations."

Report adopted.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the relief of Orrin Bailey and others, for services rendered on behalf of the State."

And Assembly bill for "An Act for the relief of Albert Putnam," and recommended their passage.

And reported back also, the account of Major John Brown, and asked that it be referred to the Committee on Indian Affairs.

The report was accepted, and the bill for "An Act for the relief of Orrin Bailey," was read a third time, and on the question of its passage the ayes and nays were demanded by Messrs. Sprague, Hubbs and Lott, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lind,
Crabb,	Lott,
Coffroth,	McKibben,
Estill,	Roach,
Foster,	Smith,
Gruwell,	Snyder,
Kurtz,	Williams—14.

NAYS.

Messrs. Hager,	Messrs. Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Lyons,	Wombough—9.
Ralston,	

So the bill was passed.

The account of Major John Brown was referred to the Committee on Indian Affairs.

Mr. McKibben, Chairman of the Committee on Education and State Library, reported back verbally Assembly bill for an Act supplemental to "An Act providing a fund for a State Library," passed May 1st, 1852; and recommended its passage.

The report was accepted, the bill was taken under consideration as in committee of the whole, amended, reported back, read a third time and passed.

Mr. Ralston, from the select committee to whom was referred the resolutions in relation to the establishment of a Branch University at Benicia, for the education of young women, reported back a bill for "An Act to establish a female branch of a State University, to be located at Benicia," and recommended its passage.

The report was accepted, and the bill read a first and second time and referred, on motion of Mr. Crabb, to the Committee on Finance.

Mr. Coffroth, from the Judiciary Committee, reported back Assembly bill for "An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices," and recommended its passage, with an amendment.

The report was accepted, when Mr. Crabb moved that the Senate proceed to the consideration of the bill.

Not agreed to.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back Senate bill for an Act to amend "An Act declaring certain rivers and creeks navigable," passed February 18, 1851; and recommended that the Senate concur in the amendments made by the Assembly to the bill, and also recommended the adoption of a proviso.

The report was accepted and laid upon the table.

Mr. Lyons, on leave, introduced a bill for "An Act concerning the decisions of the Supreme Court."

Which was read twice and referred, on motion of Mr. Lyons, to the Committee on the Judiciary.

Mr. Walton, agreeably to notice, introduced a bill for an Act to repeal "An Act to provide for the payment of State Prison Inspectors," approved May 3, 1852.

Which was read twice and referred, on motion of Mr. Walton, to the Judiciary Committee.

Mr. Keene, Chairman of the Committee on State Hospitals, reported, pursuant to instructions, a bill for "An Act to provide for the establishment of a State Marine Hospital at San Francisco."

Which was read the first and second time, and on motion of Mr. Sprague, laid upon the table, and two hundred and forty copies ordered printed.

Mr. Wombough presented the petition of citizens of Yolo county, praying the passage of the bill now under consideration, to fund the debt of said county.

Which was read and referred to the Senator from Yolo and Colusi, (Mr. Wombough.)

Mr. Hubbs gave notice that he would, on to morrow, introduce a bill supplementary to "An Act in relation to Railroads," passed April, 1853.

A message was received, informing the Senate that the Assembly yesterday passed Senate bill for "An Act authorizing the Board of Supervisors of San Diego county to lay a special tax for the erection of a County Jail."

And passed with an amendment Senate bill for "An Act for the relief of Charles E. Pickett."

And an Act amendatory of the "Act authorizing the Treasurer of State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," passed May 3, 1852.

And "An Act in relation to Clerks in the office of Comptroller of State, and to provide for their pay."

Mr. Keene moved that the Senate concur in the amendment of the Assembly to Senate bill for "An Act for the relief of Charles E. Pickett."

On which Messrs. Keene, Wombough and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, Foster, Hager, Hubbs, Keene, Ralston, Sprague, Walkup—8.

NAYS.

Messrs. Baird, Catlin, Crabb, De la Guerra, Gruwell, Hudspeth, Kurtz, Lyons, Roach, Smith, Snyder, Wade, Walton, Wombough, Williams—15.

So the Senate refused to concur in the amendment.

Assembly bill for "An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay," was read the first and second time, when

On motion of Mr. Hubbs the rules were suspended, the bill was read a third time and passed.

Assembly bill for an Act amendatory of "An Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," passed May 3, 1852; was read the first time and laid over, under the rule.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to compensate Dr. John B. Trask for his Report on the Geology of the Mineral Districts, and to enable him to make further examinations."

Also, "An Act to provide for the translation of the Laws into the Spanish Language, for the year 1853."

And Joint Resolution authorizing Dr. John B. Trask to report more fully upon the unoccupied mineral lands upon the eastern borders of the Sacramento and San Joaquin valleys.

Report adopted.

Mr. Smith moved to take from the table Assembly bill for "An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt."

Which was not agreed to.

Mr. Coffroth moved a reconsideration of the vote taken yesterday on the passage of Senate bill for "An Act to abolish the present State Hospitals."

Mr. Sprague moved to indefinitely postpone the motion to reconsider.

On which Messrs. Coffroth, Wade and Crabb, demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
Sprague,
Walkup,
Walton—9.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Gruwell,
Hager,
Kurtz,
McKibben,
Ralston,
Roach,
Smith,
Snyder,
Wade,
Williams—15.

So the motion to postpone was lost.

Mr. Sprague moved a call of the Senate.
Which was sustained, and the members being all present,
On motion of Mr. Sprague, the call was suspended.
The question recurring on the motion to reconsider,
The ayes and nays were demanded by Messrs. Sprague, Coffroth and Hubbs, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
Estill,
Gruwell,
Hager,
McKibben,
Ralston,
Roach,
Smith,
Snyder,
Wade,
Williams—14.

NAYS.

Messrs. De la Guerra,
Foster,
Hubbs,
Hudspeth,
Keene,
Kurtz,
Lind,
Lott,
Lyons,
Sprague,
Walkup,
Walton,
Wombough—13.

So the vote was reconsidered.

Mr. Coffroth moved the reconsideration of the vote upon the third reading of the bill.

On which Messrs. Wombough, Coffroth and Sprague, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Ralston,
Crabb,	Roach,
Coffroth,	Smith,
Estill,	Snyder,
Gruwell,	Wade,
Hager,	Williams—13.
McKibben,	

NAYS.

Messrs. De la Guerra,	Messrs. Lott,
Foster,	Lyons,
Hubbs,	Sprague,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—13.
Lind,	

The Senate being equally divided, the President gave the casting vote in the affirmative, and declared the vote reconsidered.

Mr. Smith moved to amend the bill.

Mr. Lind moved to lay the bill upon the table.

Which was agreed to.

Mr. Lott in the chair.

Mr. Smith moved to take from the table Assembly bill for "An Act dividing the County of Trinity, and making a new county to be called Humboldt."

Which was not agreed to.

Mr. Hager, Chairman of the Committee on Corporations, reported back, for the consideration of the Senate, Assembly bill for "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," with amendments.

The report was accepted, and laid upon the table.

Mr. Wombough moved to take from the table, Senate bill for "An Act to provide for the establishment of a State Marine Hospital at San Francisco."

Which was agreed to.

Mr. Ralston moved to amend section two by striking out the words—"To be elected annually by the Legislature," and inserting, "Shall be appointed annually by the Governor, by and with the advice and consent of the Senate."

Agreed to.

Section eight was amended, on motion of Mr. Baird, by inserting the

following: "The salary of the Treasurer shall be two thousand dollars per annum, payable monthly, and he shall not be entitled to any clerk hire or office rent.

Mr. Keene moved to amend the bill by adding a section, as number twenty, that "Three-fifths of the commutation tax shall be set apart as a revenue for the State Marine Hospital, at San Francisco."

Agreed to.

Mr. Keene moved to amend by inserting as an additional section, a clause repealing the Acts in relation to State Hospitals in the city of San Francisco.

Which was agreed to.

On motion of Mr. Wombough, the bill was ordered engrossed for a third reading.

Mr. Keene moved to take from the table Senate bill for "An Act to abolish the present State Hospitals."

Which was agreed to.

The bill was amended, and ordered engrossed for a third reading.

Mr. Crabb moved to take from the table Senate bill for "An Act to encourage the Settlement and secure Improvements on wild and unoccupied Lands."

On which Messrs. Crabb, Wade and Walton, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Crabb,	McKibben,
Gruwell,	Ralston,
Hubbs,	Smith,
Lind,	Wade—10.

NAYS.

Messrs. Catlin,	Messrs. Roach,
De la Guerra,	Snyder,
Estill,	Walkup,
Foster,	Walton,
Hager,	Wombough—11.
Hudspeth	

So the bill was not taken up.

Senate bill for "An Act to provide for compensation to owners of Private Property appropriated to the use of Corporations," was read a third time and passed.

Assembly bill for "An Act to divide the County of Trinity, and form a new county out of the western portion of the same, to be called Humboldt," was taken under consideration.

On motion of Mr. Smith, the amendments reported by the committee were concurred in.

Mr. Sprague moved to lay the bill upon the table.

Which was not agreed to.

The bill was then read a third time, and on the question of its passage,

The ayes and nays were demanded by Messrs. Sprague, Wombough and Baird, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	Lott,
De la Guerra,	Roach,
Estill,	Smith,
Foster,	Wombough,
Gruwell,	Williams—14.

NAYS.

Messrs. Hubbs,	Messrs. Walkup,
Snyder,	Walton—5.
Sprague,	

So the bill was passed.

Mr. Hubbs, Chairman of the Committee on Finance, reported back Senate bill for "An Act to establish a female branch of a State University, to be located at the city of Benicia," and recommended its passage, with an amendment.

The amendment was concurred in.

And objection being made to its third reading, the bill was laid over under the rule.

Mr. Catlin moved to take a recess till 7½ o'clock, P. M.

Not agreed to.

Mr. Estill moved to adjourn.

Which was agreed to, and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, May 6, 1858.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Snyder presented the petition of Edward Barry for relief for services rendered in fitting up the Capitol at Vallejo in 1852, and moved its reference to the Committee on Claims.

Which was agreed to.

Mr. McKibben, Chairman of the Committee on Education and State Library, submitted the following report. (See Appendix No. 70.)

Mr. Sprague, Chairman of the Committee on Indian Affairs, to whom was referred the account of Major John Brown, for supplies furnished to persons engaged in the second El Dorado Expedition against the Indians, reported the same back, and recommended the applicant have leave to withdraw it.

The report was adopted and leave granted.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act incorporating the city of Marysville."

Report adopted.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back Assembly bill for "An Act amendatory of the first section of an Act for the protection of Game," and recommended its passage with an amendment.

The report was accepted and laid upon the table.

Mr. Wombough presented a petition from citizens of Yolo county, praying the passage of a law to Fund the Debt of said county.

Which was read and referred to the Senator from Yolo and Colusi, (Mr. Wombough.)

Mr. Ralston, Chairman of the Judiciary Committee, presented a report from a portion of that committee, against the passage of Assembly bill for "An Act prescribing the time at which county and township officers shall enter upon the duties of their offices."

Which was accepted and laid upon the table.

Mr. Ralston, Chairman of the Select Committee, to whom was referred sundry petitions of the citizens of Sacramento, reported the same back, with a bill for "An Act to provide for reclaiming a portion of the overflowed lands of this State," and recommended its passage.

The report was accepted, and the bill read a first and second time; when,

On motion of Mr. Catlin, it was laid upon the table and ordered printed.

Mr. Roach, to whom was referred Assembly bill for "An Act for the in-

corporation of the city of Monterey," reported the same back, and recommended its passage without amendment.

The report was accepted, the bill read a third time and passed.

Mr. Ralston in the chair.

Mr. McKibben moved to take from the table Senate bill for "An Act amendatory of and supplementary to an Act to establish a system of Common Schools," approved May 3d, 1852.

Which was agreed to, and the bill was read a first and second time; when,

On motion of Mr. McKibben, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Smith moved to take from the table Senate bill for "An Act to establish a female branch of a State University, to be located at the city of Benicia."

Which was agreed to, and the bill read a third time.

On motion of Mr. Estill, the vote on the third reading was reconsidered, and the Senate then, as in committee of the whole, proceeded to consider the bill; and having made sundry amendments to the same,

On motion of Mr. Smith, the committee rose and reported the bill back to the Senate.

Mr. Hubbs moved that the Senate concur in the amendments made in committee of the whole.

Which was agreed to.

Mr. Crabb moved the adoption of the following resolution:

Resolved, That the bill be recommitted to the committee, with instructions to report a substitute which shall provide for the establishment of a State Female University at Benicia, and the endowment of the same with a liberal appropriation from the General Fund, with the moneys arising from the ferry privileges between Benicia and the opposite shore, and also with seven per cent. interest upon one-half of the proceeds of the sale of the public lands—seventy-two sections—donated by Congress, at the last session, to the State of California for a State University; with instructions, also, to prescribe the duties and define the powers of the Directors. Also, to set forth the manner of receiving pupils, and to determine the number to be received from each county; orphans and the daughters of indigent parents to have the preference, and to be received without cost and charge. Also, to provide that the funds belonging to the institution shall only be drawn from the State Treasury by order of the Directors, as the same may be required for necessary expenditures: the order in all cases to be first approved by the Comptroller of State; and that the committee be instructed to report to-morrow.

Mr. Crabb moved a call of the Senate.

On which Messrs. Catlin, Wade and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Crabb, Gruwell, Hager, Wade, Walkup—6.

NAYS.

Messrs. De la Guerra, Estill, Foster, Hubbs, Keene, Lott, Lyons, Ralston, Roach, Smith, Snyder, Sprague, Wombough, Williams—14.

So the motion for a call of the Senate was lost.

The question was then taken on the resolution to recommit, and the ayes and nays were demanded by Messrs. Crabb, Wombough and Estill, with the following result:

AYES.

Messrs. Catlin, Crabb, Gruwell, Hager, Hubbs, Wade—6.

NAYS.

Messrs. De la Guerra, Estill, Foster, Keene, Lott, Lyons, Ralston, Roach, Smith, Snyder, Walkup, Wombough, Williams—13.

So the motion to reconsider was lost.

Mr. Crabb moved to amend the last section by adding a proviso, that only one-eighth part of said property be sold until the Legislature of this State shall direct a further sale.

Mr. Smith moved, as a substitute, the adoption of the following proviso:

"That not more than one-third portion of said property shall be sold during any one year."

Mr. Catlin moved to amend the substitute by striking out "one-third," and inserting "one-eighth."

On which Messrs. Hubbs, Sprague and Catlin demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Crabb, Foster, Gruwell, Hager, Hubbs, Sprague, Wade, Walkup—9.

NAYS.

Messrs. De la Guerra, Estill, Hudspeth, Keene, Lott, Lyons, Ralston, Roach, Smith, Snyder, Wombough, Williams—12.

So the motion to strike out was lost.

Section five, on motion of Mr. Estill, was amended by inserting, after the word "conveys," the word "appropriates;" and after the word "aforesaid," insert "for the use of said institution."

Mr. Crabb moved to amend the substitute by striking out "one third," and inserting "one-fifth."

On which Messrs. Crabb, Catlin and Hubbs demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin, Crabb, Gruwell, Hubbs, Sprague, Wade, Walkup—7.

NAYS.

Messrs. De la Guerra, Estill, Foster, Hager, Hudspeth, Keene, Lott, Lyons, Ralston, Roach, Smith, Snyder, Wombough, Williams—14.

On motion of Mr. Lyons, the substitute was adopted as an amendment to the bill.

Mr. Hager moved to amend section six, by inserting the following proviso:

"*And provided*, before any property situate below low water mark is

sold under the provisions of this Act, the authorities of the city of Benicia shall authorize and give their assent to such sale."

Lost.

Mr. Crabb moved to amend section six, by adding the following proviso:

"*And provided further*, if the proceeds of the sale of the lands aforesaid shall exceed the sum of seventy-five thousand dollars, the surplus over and above that amount shall be paid into the State Treasury, to be used for the purpose of endowing Universities and Academies."

On which Messrs. Crabb, Kurtz and Hudspeth demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Catlin,	Messrs. Hudspeth,
Crabb,	Smith,
Gruwell,	Walkup,
Hager,	Williams—9.
Hubbs,	

NAYS.

Messrs. Estill,	Messrs. Lyons,
Foster,	Ralston,
Keene,	Roach,
Kurtz,	Snyder,
Lott,	Wombough—10.

Mr. Crabb moved to amend by adding an additional section, as follows:

"The Directors appointed under the provisions of this Act, shall receive a salary of eight hundred dollars per annum."

Which was not agreed to.

Mr. Estill moved the previous question.

Which was sustained.

On the question, "Shall the main question be now put?" the ayes and nays were demanded by Messrs. Crabb, Hubbs and Williams, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Ralston,
Estill,	Roach,
Foster,	Smith,
Hager,	Snyder,
Hudspeth,	Sprague,
Keene,	Walkup,
Lott,	Wombough,
Lyons,	Williams—16.

NAYS.

Messrs. Catlin, Messrs. Hubbs,
Crabb, Kurtz—5.
Gruwell,

So the main question was then put, "Shall the bill be engrossed for a third reading?"

On which Messrs. Gruwell, Crabb and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra, Messrs. Ralston,
Estill, Roach,
Foster, Smith,
Hudspeth, Snyder,
Keene, Wombough,
Lott, Williams—13.
Lyons,

NAYS.

Messrs. Catlin, Messrs. Hubbs,
Crabb, Kurtz,
Gruwell, Sprague,
Hager, Walkup—8.

So the bill was ordered engrossed for a third reading.

A message was received from the Governor, informing the Senate that he approved, on the fifth instant, "An Act to authorize the Pacific Mail Steam Ship Company to hold, use, and occupy certain lands in the city of Benicia."

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, Joint Resolution in relation to grants of land by the General Government in Utah Territory.

Report adopted.

Mr. Lyons, from the same committee, also reported as correctly engrossed:

"An Act to provide for the establishment of a State Marine Hospital at San Francisco;"

"An Act to abolish the present State Hospitals;" and

"An Act to establish an Asylum for the Insane of the State of California."

Report adopted.

Mr. Hubbs, agreeably to notice, introduced a bill for "An Act supplementary to an Act to provide for the incorporation of Railroad Companies," approved April 22, 1853.

Which was read the first time, and laid over under the rule.

Mr. Keene moved to take from the table Senate bill for "An Act to provide for the establishment of a State Marine Hospital at San Francisco."

Which was agreed to.

The bill was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Hubbs, Sprague and Wombough, with the following result:

AYES.

Messrs. Crabb,	Messrs. Ralston,
De la Guerra,	Roach,
Estill,	Smith,
Foster,	Snyder,
Hager,	Wade,
Keene,	Walkup,
Kurtz,	Wombough,
Lott,	Williams—16.

NAYS.

Messrs. Catlin,	Messrs. Lyons,
Hubbs,	Sprague—4.

So the bill passed.

Senate bill for "An Act to abolish the present Hospitals," was read a third time, and on the question of its passage, Messrs. Keene, Hubbs and Catlin demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Lyons,
Estill,	Roach,
Foster,	Snyder,
Hager,	Sprague,
Hubbs,	Walkup,
Hudspeth,	Walton,
Keene,	Wombough,
Kurtz,	Williams—17.
Lott,	

NAYS.

Messrs. Catlin,	Messrs. Ralston,
Crabb,	Wade—4.

So the bill was passed.

A message was received, informing the Senate that the Assembly, on yesterday, concurred in Senate amendment to Assembly bill for "An Act

to provide for the payment of freight on State furniture to Calvin Valpey."

And refused to recede from their amendment to Senate bill for "An Act for the relief of Charles E. Pickett," and appointed as a committee of conference, Messrs. Heydenfeldt, Canney and Ewing, on the disagreeing vote."

And passed Senate bill for "An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate warrants, in lieu of certain warrants lost or destroyed."

Also Senate bill for "An Act for the erection of a State Prison, and declaring null and void the existing State Prison Contract," with amendments.

And, this day, passed Assembly bill for "An Act to amend an Act to fix the terms of holding Courts in the Eleventh Judicial District in this State."

Also, Assembly Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer County.

Mr. Smith moved that a committee of conference be appointed on the part of the Senate, on the disagreeing vote of the two Houses on the bill for "An Act for the relief of Charles E. Pickett." Agreed to.

The Chair appointed Messrs. Smith, Wombough and Estill, on the part of the Senate.

President in the chair.

On motion of Mr. Lott, Assembly amendments to Senate bill for "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract," was concurred in.

Assembly Joint Resolution, granting leave of absence to S. C. Astin, Sheriff of Placer County, was read the first and second time, and

On motion of Mr. Walkup, the rule was suspended, read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Hubbs, Ralston and Sprague, with the following result.

AYES.

Messrs. Baird, Crabb, De la Guerra, Estill, Hager, Hubbs, Hudspeth, Keene, Kurtz, Lott, McKibben, Roach, Smith, Snyder, Wade, Walkup, Williams—17.

NAYS.

Messrs. Foster, Ralston, Mr. Sprague—3.

So the resolution was passed.

Assembly bill for "An Act to amend an Act to fix the times of holding

Court in the Eleventh Judicial District in this State," was read the first and second time, and

On motion of Mr. Walkup, the rule was suspended, the bill read a third time and passed.

Mr. Crabb moved that the Senate take a recess till 7½ o'clock.

Not agreed to.

Mr. Walton, from the select committee to whom was referred Senate bill for "An Act concerning the observance of the Sabbath day," reported the same back with a substitute.

Which was laid upon the table.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, May 7, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Coffroth presented several remonstrances, from citizens of Tuolomne county, against the passage of a bill for an Act in reference to the official publication of legal notices.

Which were laid upon the table.

Mr. Hubbs, also presented a remonstrance from citizens of Jacksonville, Tuolumne county, against the passage of the same Act.

Which was laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

"An Act to amend an Act concerning Corporations, passed April 22, 1850;" and also,

"An Act authorizing the Board of Supervisors of San Diego county to levy a Special Tax, for the erection of a County Jail.

Report adopted.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

"An Act to provide for the payment of freight, on State furniture, to Calvin Valpey;" also,

"An Act for the relief of Orin Bailey, and other persons therein mentioned, for services rendered in behalf of the State;" also,

"An Act to authorize the County Surveyor of Calaveras, to rent an office;" also,

"An Act in relation to Clerks in the office of the Comptroller of State, and to provide for their pay."

The report was adopted.

Mr. Lind, on leave, introduced a bill for "An Act to abolish the Board of Supervisors in the counties of Calaveras and Sacramento."

Which was read a first and second time, when

Mr. Wombough moved to amend, by inserting after the word Sacramento, the word "Colusi."

Which was agreed to,

The rules were suspended, the bill considered engrossed, read a third time, and passed.

The title was amended, on motion of Mr. Wombough, by inserting the word "Colusi," after Sacramento.

Mr. Walton presented the petition of E. G. Baker, and others, lessees under Palmer, Cook & Co., of certain property in San Francisco, called the Government Reserve, praying that they might by some Legislative enactment be permitted to attorn to, and become tenants of the State, and pay their future rents into the State Treasury.

The petition was read and referred, on motion of Mr. Foster, to the Committee on the Judiciary.

Mr. Hager, Chairman of the Committee on Corporations, reported back Assembly bill for "An Act to provide for the construction of a Canal from Tulare lake to the waters of the San Joaquin," with the recommendation that the bill be not passed.

The report was accepted, and laid upon the table.

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for "An Act to repeal an Act to provide for the payment of State Prison Inspectors, appointed May 3d, 1852;" and recommended its passage.

And Senate bill for "An Act to confer jurisdiction in certain criminal cases upon the Court of Sessions of the county of San Francisco," and recommended its indefinte postponement.

The report was accepted, when,

On motion of Mr. Ralston, the Senate proceeded to consider Senate bill for "An Act to repeal an Act to provide for the payment of State Prison Inspectors," and the rules were suspended, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Ralston, Senate bill for "An Act to confer jurisdiction in certain criminal cases upon the Court of Sessions of the county of San Francisco," was indefinitly postponed.

Mr. Foster, on leave, introduced a bill for "An Act supplementary to

an Act to fund the debt of Los Angeles county, and to provide for the payment thereof, passed March 19, 1853."

Which was read twice, when

On motion of Mr. Foster, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Smith, on leave, introduced a bill for "An Act to prevent persons from enticing Seamen to desert."

Which was read twice, and referred, on motion of Mr. McKibben, to the Committee on Commerce and Navigation.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed,

"An Act supplementary to, and amendatory of, an Act to establish a system of Common Schools."

Report adopted.

Mr. Catlin, on leave, introduced a bill for "An Act to provide for the payment of the indebtedness of the State Hospital in the city of Sacramento."

Which was read the first and second time, and referred, on motion of Mr. Catlin, to the Committee on State Hospitals.

On motion of Mr. Coffroth, it was resolved that the Judiciary Committee be instructed to introduce a bill to determine the term of office for public administrators.

On motion of Mr. Roach, it was resolved, that when the Senate adjourn, it will meet at 7½ P. M.

Mr. Catlin moved that Assembly bill for "An Act for the relief of Albert Putnam," be taken from the table.

Which was agreed to, and the bill was read a third time, and passed.

On motion of Mr. Snyder, Assembly bill for "An Act for the relief of Reuben Clark and William Crane," was taken from the table, read a third time, and passed.

Mr. Smith moved that Assembly bill for "An Act prescribing the time at which county and township officers shall enter upon the duties of their offices," be taken from the table.

Which was agreed to.

Mr. Lind moved the indefinite postponement of the bill.

Mr. Lind moved the previous question, which was not sustained.

The question was then taken on the motion to postpone indefinitely, the ayes and nays were demanded by Messrs. Hubbs, Wade, and Roach, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Ralston,
Foster,	Roach,
Hager,	Snyder,
Hubbs,	Sprague,
Lind,	Walkup—10.

NAYS.

Messrs. Coffroth, Messrs. Lyons,
Estill, McKibben,
Hubbs, Ralston,
Keene, Sprague,
Kurtz, Walton,
Lind, Wombough,
Lott, Williams—13.

Mr. Catlin moved to amend the substitute by inserting that the Legislature adjourn *sine die*, on Wednesday the 18th instant.

On which Messrs. Hager, Catlin and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Messrs. Ralston,
Catlin, Roach,
Coffroth, Snyder,
Foster, Wade,
Hager, Walkup—11.
Hudspeth,

NAYS.

Messrs. Estill, Messrs. McKibben,
Hubbs, Sprague,
Keene, Walton,
Kurtz, Wombough,
Lind, Williams—11.
Lott,

So the amendment was lost.

Mr. Estill moved the previous question.
Mr. Roach moved a call of the Senate.

On which the ayes and nays were demanded by Messrs. Catlin, Baird and Roach, with the following result:

AYES.

Messrs. Baird, Messrs. Hudspeth,
Catlin, Roach,
Coffroth, Snyder,
Foster, Wade—9.
Hager,

NAYS.

Messrs. Estill,	Messrs. Ralston,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough,
Lott,	Williams—13.
McKibben,	

So the motion for a call of the Senate was not sustained.

The question was then taken on the motion for the previous question, and it was sustained.

On the question "Shall the main question be now put?"

Messrs. Wade, Catlin and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Estill,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lind,	Williams—13.
Lott,	

NAYS.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Foster,	Snyder,
Hager,	Wade—9.
Hudspeth,	

The main question was then put, "Shall the resolution be adopted?"

And Messrs. Catlin, Wade and Kurtz demanded the ayes and nays, with the following vote:

AYES.

Messrs. Hubbs,	Messrs. Ralston,
Keene,	Sprague,
Kurtz,	Walton,
Lind,	Wombough,
Lott,	Williams—10.

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	McKibben,
Coffroth,	Roach,
Estill,	Snyder,
Foster,	Wade,
Hager,	Walkup—12.

Mr. Estill moved a reconsideration of the vote just taken.

Mr. Coffroth moved to lay the motion to reconsider upon the table.

On which Messrs. McKibben, Coffroth and Hager demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Coffroth,	Smith,
Foster,	Snyder,
Hager,	Wade—11.
Hudspeth,	

NAYS.

Messrs. Estill,	Messrs. Ralston,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough,
Lott,	Williams—12.

So the motion was lost.

The question was then taken on the motion to reconsider.

And Messrs. Wade, Estill and Foster demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,	Messrs. Smith,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough,
Lott,	Williams—13.
Ralston,	

NAYS.

Messrs. Baird,	Messrs. Hudspeth,
Catlin,	McKibben,
Coffroth,	Roach,
Foster,	Snyder,
Hager,	Wade—10.

So the vote rejecting the resolution was reconsidered.

Mr. Smith offered a substitute to original resolution, to rescind the resolution fixing the 11th inst. as the day of adjournment, and extending the time to the 18th inst., at 12 o'clock, M.

On which Messrs. Walkup, Wade and Wombough demanded the ayes and nays, and the substitute was adopted by the following vote:

AYES.

Messrs. Catlin,	Messrs. Ralston,
Coffroth,	Smith,
Estill,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lind,	Williams—15.
Lott,	

NAYS.

Messrs. Baird,	Messrs. McKibben,
Foster,	Roach,
Hager,	Snyder,
Hudspeth,	Wade—8.

The question recurring on the passage of the resolution, the ayes and nays were demanded by Messrs. Sprague, Kurtz and Wade, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Estill,	Smith,
Hubbs,	Sprague,
Keene,	Walkup,
Lind,	Walton,
Lott,	Wombough,
McKibben,	Williams—14.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Roach,
Foster,	Snyder,
Hager,	Wade—9.
Hudspeth,	

So the resolution to adjourn on the 18th inst. was adopted.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval "An Act for the relief of Reuben Clark and William Crane."

Report adopted.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed "An Act to establish a female branch of a State University, to be located at the city of Benicia."

Report adopted.

A message was received informing the Senate that the Assembly this day passed Senate bill for "An Act to establish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi."

Senate bill for "An Act to establish a female branch of a State University, to be located at the city of Benicia," was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Estill, Smith and Baird, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Ralston,
Estill,	Roach,
Foster,	Smith,
Hudspeth,	Snyder,
Keene,	Wade,
Lind,	Walton,
Lott,	Wombough—14.

NAYS.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Sprague,
Hager,	Walkup—7.
Hubbs,	

So the bill was passed.

Senate bill for "An Act supplementary to an Act to provide for the incorporation of Railroad Companies, approved April 22, 1853;" was read a second time, and referred, on motion of Mr. Hubbs, to the Committee on Corporations.

Mr. Smith submitted a report from a portion of the Judiciary Commit-

tee, recommending to the favorable consideration of the Senate, Assembly bill for "An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county."

The report was accepted and laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An act for the relief of Charles E. Pickett."

Report adopted.

Senate bill for "An Act to provide for reclaiming a portion of the overflowed lands of this State;" was taken up and referred, on motion of Mr. Ralston, to the Judiciary Committee.

On motion of Mr. Catlin, the Senate adjourned to 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

Mr. Hubbs, on motion of Mr. Walton, was called to the chair.

Mr. Roach introduced a resolution to continue the Secretary and Assistant Secretary, after the adjournment of the Legislature, at their present per diem, to finish the business of the session, and authorizing the Comptroller to issue his warrant for such services, on the certificate of the Lieut. Governor.

The resolution was adopted.

Mr. Kurtz, on motion of Mr. Wade, was granted leave of absence, for the remainder of the session.

Mr. Walton moved that the committee clerks be subject to the direction of the Secretary, in forwarding the business of the Engrossing and Enrolling Committees.

Which was agreed to.

On motion of Mr. Ralston, the Senate proceeded to the consideration of the unfinished business.

Assembly bill for "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," was taken up, considered as in Committee of the Whole, amended, and reported back, when,

Mr. Catlin moved to lay it upon the table.

Which was agreed to.

Senate bill for "An Act to provide for granting Passports," was taken up, and

On motion of Mr. Roach, the rules were suspended, it was considered engrossed, read a third time, and passed.

Senate bill for "An Act to amend an Act concerning Divorces, passed March 25, 1851;" was taken up, considered as in Committee of the Whole, amended, reported back, the amendments concurred in, the bill considered engrossed, read a third time, and passed.

Senate bill for "An Act to amend an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851," amended by the Assembly, was taken under consideration.

Mr. Walton moved a non-concurrence in the Assembly amendments.

On which, Messrs. Catlin, Wade, and Lind, demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill, Kurtz, Lott, Ralston, Roach, Sprague, Walkup, Walton, Wombough—9.

NAYS.

Messrs. Catlin, Crabb, Foster, Gruwell, Hubbs, Lind, Wade—7.

So the Senate non-concurred in the amendments.

Mr. Ralston, on leave, introduced a bill for "An Act supplementary to, and to amend an Act concerning Crimes and Punishments, passed April 16, 1850."

Which was read twice, and referred, on motion of Mr. Ralston, to the Judiciary Committee.

Mr. Wombough, moved to take from the table, Senate bill for "An Act for the relief of the claimants of Lots or Blocks of Land in the towns of Union and Eureka, in Trinity county."

Which was agreed to.

The bill was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Sprague, Ralston, and Walkup, with the following result:

AYES.

Messrs. Catlin, Crabb, Estill, Foster, Gruwell, Hubbs, Kurtz, Lott, Lyons, Roach, Wade, Walton, Wombough, Williams—14.

NAYS.

Messrs. Ralston, Sprague, Mr. Walkup—3.

So the bill was passed.

Senate bill for "An Act to encourage the settlement and secure improvements on wild and unoccupied Lands:" was taken up, and the Senate, as in Committee of the Whole, proceeded to consider the bill, and having made sundry amendments thereto,

Mr. Catlin moved that the Committe rise.

Which was agreed to.

On motion of Mr. Catlin, the Senate adjourned.

SAMUEL PURDY,
President of Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, May 9, 1853.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Woodbridge.

Mr. Lott, on motion of Mr. Hubbs, was called to the chair.

Mr. Wade moved a call of the Senate, which was sustained, and Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Hager, Keene, Smith, and Snyder, were absent.

Mr. Keene, on motion of Mr. Walton, was granted leave of absence.

On motion of Mr. Wade, the call was suspended.

The Journal of Saturday was read and approved.

Mr. Walton, pursuant to notice, introduced a bill for "An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office, passed April 25, 1851."

Which was read the first and second time, when

On motion of Mr. Walton, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled—

"Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county;" also,

"An Act to amend an Act to fix the time of holding Court in the Eleventh Judicial District in this State, approved January 14, 1853;" also,

"An Act supplemental to an Act entitled an Act providing a Fund for the use of a State Library, passed May 1, 1852;" also,

"An Act to incorporate the city of Monterey;" and

"An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract."

Report adopted.

A message was received from the Governor, informing the Senate that he approved, on the 7th instant—

"An Act to authorize the Board of Supervisors of San Diego county to levy a special tax for the erection of a County Jail;" and

"An Act to amend an Act concerning Corporations," passed April 22d, 1850.

A message was received, informing the Senate that the Assembly passed on the 7th instant, with amendments, Senate bill for

"An Act concerning the Courts of Justice of this State, and Judicial Officers;" and

"An Act supplementary to an Act to Fund the Debt of Los Angeles county, and provide for the payment thereof," passed March 19, 1853; and

Senate Concurrent Resolution to adjourn *sine die* on the 18th day of May; and

Assembly bill for "An Act providing for the location of the County Seat of Colusi county;"

Assembly bill for "An Act providing for the location of the County Seat of Colusi county," was read twice, and referred, on motion of Mr. Wombough, to the Committee on Counties and County Boundaries.

Senate bill for "An Act revising and amending the Act concerning Courts of Justice of this State, and Judicial Officers," returned from Assembly with amendments, was referred, on motion of Mr. Ralston, to the Judiciary Committee.

Mr. Ralston, on leave, introduced a bill for "An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May, 1853;" and also of "An Act for the relief of Charles E. Pickett, approved May, 1853;"

Which was read twice, when Mr. Ralston moved its reference to the Committee on Finance, with instructions.

Mr. Wombough called for a division of the motion, and the question was first taken on the reference, and it was agreed to.

The question recurring on the instructions, the ayes and nays were demanded by Messrs. Wombough, Crabb and Hubbs, and the instructions were lost by the following vote:

AYES.

Messrs. Foster,	Messrs. Sprague,
Kurtz,	Walkup,
Lind,	Walton—7.
Roach,	

NAYS.

Messrs. Baird, Catlin, Crabb, Gruwell, Hubbs, Lott, Lyons, Ralston, Wade, Wombough, Williams—11.

Mr. Roach moved that when the Senate adjourn, it be to meet at 7½ P. M.

Mr. Lyons moved to lay the motion upon the table.

Lost.

The motion made by Mr. Roach was then agreed to.

Assembly bill for "An Act amendatory of an Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," passed May 3, 1852, was read the second time, when

On motion of Mr. Wombough, the rules were suspended, the bill read a third time and passed.

The unfinished business of yesterday, being "An Act to encourage the settlement, and secure improvements on wild and unoccupied lands," was taken under consideration.

Mr. Estill moved to lay the bill upon the table temporarily.

On which Messrs. Sprague, Gruwell and Kurtz demanded the ayes and nays with the following result:

AYES.

Messrs. Baird, Catlin, Estill, Foster, Kurtz, Lind, Lott, Lyons, Roach, Wade, Walton, Wombough—12.

NAYS.

Messrs. Crabb, Gruwell, Hubbs, Ralston, Sprague, Walkup, Williams—7.

So the bill was laid upon the table for the present.

Mr. Lyons moved that Assembly bill for "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," be taken from the table.

Which was agreed to.

On motion of Mr. Walkup, section seventeen was amended, by inserting after the word "road" in the ninth line, the following: "The expense of the survey, re-location and opening of such public road, shall be paid by the company or corporation desiring to use the original track of such road."

On motion of Mr. Hubbs, the Senate went into Executive Session upon the message of the Governor, nominating Pilots for the port of Benicia.

Mr. Ralston moved that the message be referred to the Committee on Commerce and Navigation.

Which was agreed to.

The consideration of the unfinished business was resumed, and the report of the Committee on Contingent Expenses on sundry accounts, was taken up, when

Mr. Walton moved its reference to the Committee on Claims.

Which was agreed to.

Mr. Sprague moved a call of the Senate.

Lost.

Mr. Walton moved that the Senate adjourn.

On which Messrs. Sprague, Wombough and Hubbs demanded the ayes and nays, and the Senate adjourned by the following vote:

AYES.

Messrs. Baird, Catlin, Hudspeth, Lind, Lott, Roach, Wadé, Walkup, Walton—9.

NAYS.

Messrs. Crabb, Gruwell, Hubbs, Lyons, Ralston, Sprague, Wombough, Williams—8.

EVENING SESSION.

Senate re-assembled at 7½ o'clock, P. M.

President in the chair.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to repeal an Act to provide for the payment of State Prison Inspectors," approved May 3, 1852.

"An Act to amend an Act concerning Divorces," passed March 25, 1851.

"An Act to provide for granting Passports;" and

"An Act concerning the Decisions of the Supreme Court."

Report adopted.

Mr. Roach, from the Committee on Enrollment, reported as correctly enrolled, "An Act to amend an Act to incorporate the city of San Jose," passed March 27, 1850.

"An Act for the relief of Albert Putnam;"

"An Act to fix the salary of the County Judge of Placer County;"

"An Act for the relief of claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity County;" and

"An Act appropriating money to defray the expenses of the government of this State."

Report adopted.

The unfinished business upon the President's table was taken under consideration.

Senate Joint Resolution "in relation to claims against the General Government for supplies to Indian Agents," was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Walton, Wombough and Sprague, with the following result:

AYES.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Keene,
Coffroth,	Lyons,
De la Guerra,	Ralston,
Estill,	Smith,
Gruwell,	Williams—13.

NAYS.

Messrs. Lind,	Messrs. Walkup,
Lott,	Walton,
Sprague,	Wombough—6.

So the resolution was passed.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed, "An Act to provide Revenue for the support of the government of this State."

Report adopted.

Mr. Estill moved to take from the table Senate bill for "An Act authorizing the Treasurer of State to issue bonds for the payment of the Volunteers mustered into service by order of the Governor under Col. John C. Hays, in the year 1851."

On which Messrs. Hager, Estill and Lyons demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Coffroth, Estill, Foster, Keene, Lyons, Sprague, Williams—8.

NAYS.

Messrs. Catlin, Gruwell, Hager, Hubbs, Roach, Smith, Walkup, Walton, Wombough—9.

So the motion was not agreed to.

Senate bill for "An Act concerning the Decisions of the Supreme Court," was read a third time and passed.

Mr. Walton moved that the Senate proceed to the consideration of "An Act to provide Revenue for the support of the government of this State."

On which Messrs. Hubbs, Estill and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Coffroth, Foster, Gruwell, Hubbs, Keene, Lott, Roach, Smith, Sprague, Walkup, Walton, Wombough—13.

NAYS.

Messrs. Baird, De la Guerra, Estill, Hager, Williams—5.

So the bill was taken under consideration.

Mr. Walton was granted the unanimous leave of the Senate to introduce the following amendment. In lines five and six of article eight, section one, strike out, "to be divided in the manner specified in this Act," and insert after the word "dollars," in line seven, "forty per cent. of the nett proceeds of which shall be paid into the County Treasury for county purposes, the remaining sixty per cent. of the nett proceeds to be paid into the County Treasury for the use of the State."

Which was read the first, second and third time, and passed.

The bill as amended was then read a third time and passed.

Mr. Wombough moved to take from the table "An Act to authorize the Treasurer to issue bonds for the payment of the Volunteers mustered into service by order of the Governor under Col. John C. Hays in 1851."

On which Messrs. Wombough, Estill and Williams, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Sprague,
Estill,	Walton,
Keene,	Wombough,
Lott,	Williams—8.

NAYS.

Messrs. Baird,	Messrs. Lind,
Catlin,	Ralston,
De la Guerra,	Roach,
Foster,	Smith,
Gruwell,	Snyder,
Hager,	Walkup—13.
Hubbs,	

Mr. Smith moved to take up the bill for "An Act in relation to Joint Tenancies and Tenancies in Common."

Not agreed to.

Mr. Keene gave notice that he would, on to-morrow, move an amendment to the ninth standing rule.

Mr. Catlin moved to adjourn.

On which Messrs. Hubbs, Baird and Coffroth demanded the ayes and nays, and the Senate adjourned by the following vote:

AYES.

Messrs. Catlin,	Messrs. Smith,
Gruwell,	Snyder,
Keene,	Walkup,
Lind,	Walton,
Lott,	Williams—11.
Lyons,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Coffroth,	Hubbs,
De la Guerra,	Roach,

Messrs. Estill, Messrs. Sprague,
Foster, Wombough—10.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, May 10, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Hager presented the memorial of Benjamin Richardson, remonstrating against certain measures of the City Government of San Francisco, in relation to the taxation of real estate; which was read, and

On motion of Mr. Wombough, referred to the Committee on Finance.

Mr. Wombough presented the petition of certain citizens of Yolo county, praying the passage of a law to abolish the Board of Supervisors of said county.

Which was read and laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act for the payment of certain persons therein named, for labor performed and materials furnished;" also,

"An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants, in lieu of certain Warrants lost or destroyed;" also,

"An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento, and Colusi;" also,

"An Act supplementary to an Act to Fund the Debt of Los Angeles county, and provide for the payment thereof," passed March 19th, 1853; also,

"An Act in relation to Personal Mortgages in certain cases."

The report was adopted.

Mr. Lott, from the Judiciary Committee, submitted a report from a portion of said committee, recommending the passage of Senate bill for "An

Act to ratify and confirm an ordinance passed by the city of San Francisco, authorizing the construction of a Plank Road."

The report was adopted, the bill read a third time: and on the question of its passage, the ayes and nays were demanded by Messrs. Coffroth, Walton and Hager, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, De la Guerra, Estill, Foster, Gruwell, Lott, Smith, Snyder, Wade, Walton, Wombough, Williams—14.

NAYS.

Messrs. Coffroth, Hager, Hubbs, Hudspeth, Lind, Ralston, Roach, Sprague, Walkup—9.

So the bill was passed.

Mr. Wombough, to whom was referred Senate bill for "An Act to Fund the Debt of Yolo county and provide for the payment thereof," reported the same back with amendments, and recommended its passage.

The report was accepted, the amendments concurred in; and,

On motion of Mr. Wombough, the bill was ordered engrossed for a third reading.

Mr. Keene, pursuant to notice, moved to amend the ninth Standing Rule, so that it should read as follows:

"Every Senator, when he speaks, shall, standing in his place, address the President; and when he has finished, shall sit down. No member shall speak more than twice in any one debate on the same day, nor longer than five minutes at each time, without leave of two-thirds of the Senate; to be ascertained by ayes and nays."

Mr. Wade moved to amend by striking out "five minutes," and inserting "ten minutes."

On which Messrs. Keene, Wombough and Lind demanded the ayes and nays, and the amendment was agreed to by the following vote:

AYES.

Messrs. Baird, Crabb, Coffroth, Smith, Snyder, Sprague,

Messrs. Hager,
Lott,
Lyons,
Ralston,
Messrs. Wade,
Wombough,
Williams—13.

NAYS.

Messrs. Catlin,
De la Guerra,
Foster,
Gruwell,
Hubbs,
Hudspeth,
Messrs. Keene,
Lind,
Roach,
Walkup,
Walton—11.

Mr. Coffroth moved to strike out the following words: "To be ascertained by ayes and nays."

On which Messrs. Keene, Gruwell and Roach demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Foster,
Hager,
Hudspeth,
Messrs. Lott,
Lyons,
Smith,
Snyder,
Wade,
Wombough,
Williams—15.

NAYS.

Messrs. Gruwell,
Hubbs,
Keene,
Roach,
Messrs. Sprague,
Walkup,
Walton—7.

So the amendment was agreed to.

The question recurring on the adoption of the Rule as amended, the ayes and nays were called with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Foster,
Gruwell,
Hubbs,
Messrs. Hudspeth,
Lyons,
Ralston,
Smith,
Walkup—11.

NAYS.

Messrs. Coffroth,	Messrs. Snyder,
De la Guerra,	Sprague,
Hager,	Wade,
Keene,	Walton,
Lind,	Wombough,
Lott,	Williams—12.

So the Senate refused to adopt the Rule.

Mr. Walton offered the following resolution:

That no motion for new business shall be entertained by the President without the permission of two-thirds of the Senate, to be ascertained upon a call of the ayes and nays.

Mr. Smith moved to amend by inserting, after "President," the words, "after Friday next."

Lost.

Mr. Smith moved to amend by inserting, "after Wednesday next."

On which Messrs. Walton, Smith and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Crabb,	Lyons,
Estill,	McKibben,
Gruwell,	Smith,
Hager,	Wade,
Lind,	Wombough—12.

NAYS.

Messrs. Coffroth,	Messrs. Roach,
De la Guerra,	Snyder,
Foster,	Sprague,
Hubbs,	Walkup,
Keene,	Walton,
Ralston,	Williams—12.

The Senate being equally divided, the President voted in the affirmative, and the amendment was agreed to.

The resolution was then adopted.

On motion of Mr. Roach, the Judiciary Committee were instructed to report back to the Senate, "An Act to provide for the sale of the interest of the State of California in the property within the present water line of San Francisco."

Mr. McKibben, on leave, introduced a bill for "An Act for the permanent location of the Seat of Government of the State of California."

Which was read the first time and laid upon the table.

On motion of Mr. Walton, it is ordered that the bill be not printed.

Mr. Wombough, on leave, introduced a bill for "An Act to abolish the Board of Supervisors in the county of Yolo."

Which was read a first and second time; when,

On motion of Mr. Wombough, the rules were suspended, the bill read a third time, and passed.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "Joint Resolution in relation to claims against the General Government for supplies to Indian Agents."

Report adopted.

The unfinished business upon the President's table was then considered.

Mr. Smith moved that Senate Joint Resolution authorizing the Governor to transmit the late census returns of California to the Census Office in Washington city, and for the return thereof, be laid upon the table.

Which was not agreed to.

Mr. Coffroth moved its indefinite postponement, which was agreed to, and the resolution indefinitely postponed.

Mr. Baird, from the Committee of Commerce and Navigation, to whom was referred "An Act to prevent persons from enticing Seamen to desert," reported the same back verbally, with a substitute.

The substitute was adopted, the bill amended on motion of Mr. Lott, read a third time and passed.

On motion of Mr. Crabb, Senate bill for "An Act to amend section ninety of an Act concerning the Courts of Justice of this State and Judicial Officers," passed March 11th, 1851, was indefinitely postponed.

On motion of Mr. Catlin, Senate bill for "An Act supplementary to an Act to exempt the Homestead and other property from forced sale in certain cases, and to provide for recording such Homestead Exemption Claims," was laid upon the table.

Mr. Roach moved to indefinitely postpone Senate bill for "An Act amendatory of an Act to authorize married women to transact business in their own names as sole traders," approved April 12th, 1852.

On which Messrs. Wade, Sprague and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Lott,
Coffroth,	Lyons,
De la Guerra,	Ralston,
Foster,	Roach,
Gruwell,	Smith—11.
Hubbs,	

NAYS.

Messrs. Baird,	Messrs. Snyder,
Catlin,	Sprague,
Hudspeth,	Wade,
Keene,	Walkup,
Lind,	Walton—10.

So the bill was postponed indefinitely.

On motion of Mr. Coffroth, Assembly Joint Resolution, instructing the Secretary of State to furnish F. A. Snyder with two copies of the Statutes of each of the preceding sessions of the Legislature," was indefinitely postponed.

Assembly bill for "An Act to regulate the business of the general and special terms of the Supreme and District Courts of this State and the Superior Court of San Francisco," was indefinitely postponed on motion of Mr. Sprague.

Mr. Sprague moved to indefinitely postpone Assembly bill for "An Act to amend an Act defining the time of commencing civil actions."

On which Messrs. Sprague, Lyons and Catlin demanded the ayes and nays, and the motion was agreed to by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
De la Guerra,	Roach,
Foster,	Sprague,
Hager,	Walkup,
Keene,	Walton,
Lott,	Wombough—12.

NAYS.

Messrs. Baird,	Messrs. Hubbs,
Catlin,	Smith,
Crabb,	Wade—7.
Estill,	

On motion of Mr. Hubbs, Senate bill for "An Act in relation to the Judiciary Fund," was indefinitely postponed.

On motion of Mr. Lott, Assembly bill for "An Act concerning the Courts of Justice of this State and Judicial Officers," approved March 27th, 1852, was indefinitely postponed.

Mr. Lott moved to postpone indefinitely Senate Concurrent Resolution to adjourn *sine die* on the 15th April.

Which was agreed to.

The petition of citizens of Vallejo, in reference to losses sustained by them

in consequence of the removal of the Seat of Government;" was, on motion of Mr. Lott, laid upon the table.

Mr. Ralston in the chair.

Mr. Lott moved that Senate bill for "An Act concerning the observance of the Sabbath day," be considered.

Which was agreed to.

The substitute reported by the committee, entitled "An Act prohibiting certain violations of Sunday," was adopted, considered as in committee of the whole, amended, reported back; and,

On motion of Mr. Walton, the amendments to section one were concurred in.

The question was then taken on concurring in the amendments made by the Committee of the Whole to section three, to strike out the words, "Common Schools," and insert "indigent sick."

On which Messrs. Walton, Sprague and Hubbs demanded the ayes and nays, and the Senate refused to concur by the following vote:

AYES.

Messrs. Catlin,	Messrs. Lind,
Coffroth,	Lyons,
Gruwell,	Sprague,
Hubbs,	Walkup—8.

NAYS.

Messrs. Baird,	Messrs. Ralston,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Wade,
Keene,	Walton,
Lott,	Wombough—12.

On motion of Mr. Hubbs, the rules were suspended, the bill was considered engrossed and read a third time; and on the question of its passage, the ayes and nays were demanded by Messrs. Coffroth, Hubbs and Gruwell, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lind,
Coffroth,	Ralston,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Sprague,
Gruwell,	Walton,
Hubbs,	Wombough,
Keene,	Williams—16.

NAYS.

Messrs. Baird, Lott, McKibben, Walkup—4.

So the bill was passed.

On motion of Mr. Lott, Senate bill for "An Act to open and repair State Roads," was laid upon the table.

Mr. De la Guerra moved to postpone indefinitely Senate bill for "An Act for the relief of Immigrants travelling overland to California."

Which was agreed to.

Assembly bill for "An Act to provide for the construction of a Canal from Tulare Lake to the waters of the San Joaquin," was taken up, considered as in Committee of the Whole, amended, reported back; when,

On motion of Mr. Estill, the committee were discharged from its further consideration.

Mr. Sprague moved that the bill be recommitted to the Committee on Corporations, with instructions to bring in a bill providing a general law for the incorporation of Canal Companies.

On which Messrs. Smith, Coffroth and Sprague demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Hager, Lind, Ralston, Sprague, Walkup, Wombough—8.

NAYS.

Messrs. Baird, Catlin, Crabb, Estill, Foster, Gruwell, Hubbs, Keene, Lyons, McKibben, Smith, Wade—12.

So the motion to recommit was lost.

Mr. Hager moved to amend the bill by striking out in line four of section nine the words, "ninety-nine" and inserting "fifty."

On which Messrs. Sprague, Walkup and Foster demanded the ayes and nays, and the amendment was agreed to by the following vote:

AYES.

Messrs. Baird, Crabb, Coffroth, Keene, Lind, Ralston,

Messrs. De la Guerra,
Foster,
Gruwell,
Hager,
Messrs. Sprague,
Walkup,
Wombough,
Williams—14.

NAYS.

Messrs. Catlin,
Estill,
Hubbs,
Lyons,
Messrs. McKibben,
Smith,
Wade—7.

Mr. Wade moved that the Senate concur in the amendments made by the committee of the whole.

Mr. Smith moved the previous question.

Not sustained.

The amendments were then concurred in.

Mr. Coffroth moved to amend the bill, by striking out the words in section five, "now existing laws of the State with regard to."

On which Messrs. Coffroth, Lind and Smith demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Baird,
Coffroth,
Hager,
Messrs. Lind,
Ralston,
Walkup—6.

NAYS.

Messrs. Crabb,
Estill,
Gruwell,
Hubbs,
Hudspeth,
Messrs. Lyons,
Smith,
Snyder,
Wade,
Wombough—10.

Mr. Hager moved an amendment to section nine.

Which was lost.

Mr. Wombough moved the previous question.

Which was not sustained.

On the question of the third reading of the bill, the ayes and nays were demanded by Messrs. Smith, Walkup and Hager, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Estill,
Messrs. Hudspeth,
Lyons,
Smith,
Snyder,

Messrs. Gruwell, Hubbs, Messrs. Wade, Wombough—12.

NAYS.

Messrs. Coffroth, De la Guerra, Hager, Lind, Messrs. Ralston, Roach, Walkup, Walton—8.

The bill was then read a third time, when
Mr. Coffroth moved a call of the Senate.
Lost.

The question was then taken on the passage of the bill, and Messrs. Walton, Estill and Smith demanded the ayes and nays, and the bill was passed by the following vote:

AYES.

Messrs. Baird, Catlin, Estill, Gruwell, Hubbs, Hudspeth, Messrs. Lyons, Smith, Snyder, Wade, Wombough—11.

NAYS.

Messrs. Coffroth, Hager, Lind, Ralston, Messrs. Roach, Walkup, Walton—7.

On motion of Mr. Hager, the Senate adjourned to 10 o'clock, Wednesday.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

Wednesday, May 11, 1853.

Senate met pursuant to adjournment.

President *pro tem.*, in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Tuesday was read and approved.

Mr. Ralston presented several petitions from citizens of the City of Sacramento, praying the passage of an Act to provide for reclaiming a portion of the overflowed lands of this State, which were read, and

On motion of Mr. Ralston, laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

"An Act amendatory of an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity, and Monterey Expeditions against the Indians," passed May 3d, 1852;

Also, "Joint Resolution relative to the Law Library at the City of San Francisco."

Mr. Lind, Chairman of the Committee on Enrolled bills, reported that the committee had this day presented to the Governor for his approval,

"An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants, in lieu of certain Warrants lost or destroyed;"

"An Act for the payment of certain persons therein named, for labor performed and materials furnished;"

"An Act in relation to Personal Mortgages in certain cases;"

"An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento, and Colusi;"

"An Act supplementary to an Act to fund the debt of Los Angeles county, and provide for the payment thereof, passed March 19th, 1853;"

"An Act for the relief of the claimants of lots or blocks of land in the towns of Union and Eureka, in Trinity county;"

"An Act for the relief of Albert Putnam;"

"An Act to amend an Act to incorporate the city of San Jose, passed March twenty-seventh, one thousand eight hundred and fifty;"

"An Act to fix the salary of the County Judge of Placer county;"

"An Act appropriating money to defray the expenses of the Government of this State;"

"An Act to divide the county of Trinity, and form a new county out of the western portion of the same, to be called Humboldt,"

"An Act to incorporate the city of Monterey;"

"An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract;"

"An Act to amend an Act to fix the times of holding court in the Eleventh Judicial District in this State, approved January 14th, 1853;"

"An Act supplemental to an Act entitled an Act providing a Fund for the use of a State Library, passed May 1st, 1852;"

"Joint Resolution granting leave of absence to S. C. Astin, Sheriff of Placer county.

The report was adopted.

Mr. Coffroth, Chairman of the Committee on Federal Relations, submitted the following report. (See Appendix No. 71, relative to Benicia and Marysville Railroad.)

The report was accepted and laid on the table.

Mr. Crabb was granted unanimous leave to have his vote recorded in the affirmative, on the passage of Assembly bill for an Act to provide for the construction of a canal from Tulare Lake to the waters of the San Joaquin.

Mr. Smith, Chairman of the Committee on Counties and County Boundaries, reported back Assembly bill for "An Act providing for the County Seat of Colusi county," and recommended its passage.

The report was accepted and laid upon the table.

Mr. Smith from the Judiciary Committee, to whom was referred Senate bill for "An Act revising and amending the Act concerning the Courts of Justice of the State and Judicial Officers," with the Assembly amendments, reported the same back, and recommended that the Senate concur in some, and non-concur in other of the Assembly amendments.

The report was accepted and laid upon the table.

Mr. Hubbs, from the Judiciary Committee to whom was referred the message of the Governor in relation to resistance of the payment of duties by auctioneers, reported the same back with a bill for "An Act in relation to resistance of payment of the revenue due the State," and recommended the passage of the bill.

The report was accepted and laid upon the table.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back Assembly bill for "An Act to prevent persons from obstructing the Channels of Humboldt Bay and Harbor," and recommended its passage, with an amendment.

The report was accepted, the bill read a third time and passed.

Mr. Ralston, Chairman of the Judiciary Committee, reported back for the consideration of the Senate, the bill for "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco," as defined in and by the Act entitled "An Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.

The report was accepted, when on motion of Mr. Roach, the bill was made the special order at one o'clock, P. M.

Mr. Hubbs, Chairman of the Committee on Finance, reported for the consideration of the Senate a bill for an Act supplementary to "An Act to fund the indebtedness of the State which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive; and to provide for the payment of the three per cent. Bonds," approved May 1, 1852.

The bill was read a first and second time, and laid upon the table.

Mr. Hubbs, Chairman of the Finance Committee, reported back Assembly bill for an Act to amend the third section of "An Act to regulate

fees in office," passed May 1, 1851; and recommended its indefinite postponement.

Also, Assembly bill for "An Act to set apart five thousand dollars to meet the current contingent expenses of the Assembly," and recommended its indefinite postponement.

Also, Senate bill for an Act amendatory and explanatory of "An Act for the relief of William Waldo."

And also "An Act for the relief of Charles E. Pickett," and recommended its passage.

And the remonstrance of Benjamin Richardson, against certain acts of the city government of San Francisco, in relation to the taxation upon real estate; and requested to be discharged from its further consideration.

The report was accepted and laid upon the table.

A message was received informing the Senate that the Assembly passed, on the 9th inst., Senate bill for "An Act to provide for the pay and compensation of Maj. James Birney, as Paymaster to troops called into the service of this State, in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17, 1851;"

Also, "An Act to repeal an Act to provide for the payment of State Prison Inspectors," approved May 3d, 1852;

Also, "An Act to change the name of Alfred Morgan to Alfred Grey Morgan;"

Also, "An Act to repeal an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," passed April 25, 1851.

And passed Assembly "Joint Resolution relative to the Civil Fund;"

Also, "Joint Resolution instructing our Senators and Representatives in Congress in relation to the donation of Public Lands."

And refused to recede from their amendments to Senate bill for "An Act to amend an Act entitled an Act declaring certain Rivers and Creeks Navigable," passed February 18, 1851.

And appointed as a committee of conference, on their part, Messrs. Robinson, Yeiser and Ewing, on the disagreeing vote.

Mr. Catlin moved that a committee of conference be appointed on the disagreeing vote of the two Houses, on Senate bill for "An Act to amend an Act declaring certain Rivers and Creeks Navigable," passed February 18th 1851."

Which was agreed to.

And the Chair appointed as the committee, Messrs. Catlin, Lyons and Lind.

Assembly Joint Resolution relative to the Civil Fund, was read twice, and

Referred, on motion of Mr. Coffroth, to the Committee on Federal Relations.

Assembly Joint Resolution, instructing our Senators and requesting our Representatives in Congress, in relation to the donation of the Public Lands, was read twice, and laid upon the table.

Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State," was read a first and second time, when

On motion of Mr. Lyons, the Senate proceeded to the consideration of the bill.

The Senate, as in Committee of the Whole, Mr. Lott in the chair, considered the bill, and having made some progress,

The committee rose and reported the bill back to the Senate.

Mr. Estill moved that the bill be referred to a select committee of five, with instructions to report on Friday next,

Mr. Lyons moved an amendment, that the select committee consist of Messrs. Estill. Roach, Smith, Hudspeth and De la Guerra.

Mr. Crabb moved to amend the amendment, by appointing as the committee, two Senators from the mining, two from the agricultural, and one from the commercial districts of the State.

The amendment to the amendment was accepted by Mr. Lyons, and on its adoption,

The ayes and nays were demanded by Messrs. Sprague, Walton and Wombough, with the following result:

AYES.

Messrs. Baird,	Messrs. Hager,
Catlin,	Ralston,
Crabb,	Roach,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Wombough—13.
Gruwell,	

NAYS.

Messrs. Coffroth,	Messrs. McKibben,
Hubbs,	Sprague,
Keene,	Wade,
Lind,	Walkup,
Lott,	Walton—11.
Lyons,	

So the amendment was agreed to.

Mr. Sprague moved to amend the resolution by striking out "Friday," and inserting "Thursday."

On which Messrs. Smith, Lyons and Baird, demanded the ayes and nays.

And the amendment was agreed to by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Lyons,
Estill,	McKibben,
Foster,	Ralston,
Gruwell,	Roach,
Hager,	Snyder,

Messrs. Hubbs,	Messrs. Sprague,
Keene,	Walkup,
Lind,	Walton,
Lott,	Wombough—18.

NAYS.

Messrs. Baird,	Messrs. De la Guerra,
Catlin,	Smith,
Crabb,	Wade—6.

The resolution as amended was then adopted.

The Chair appointed as the committee, Messrs. Estill, Walton, Snyder, Roach and Coffroth.

Mr. Smith moved to take from the table Senate bill for "An Act revising and amending the Act concerning the Courts of Justice of this State, and Judicial Officers."

Which was agreed to.

The report of the committee upon the Assembly amendments, was, on motion of Mr. Smith, concurred in.

Mr. Coffroth, Chairman of the Committee on Federal Relations, to whom was referred Concurrent Resolution in relation to European Colonization on the American Continent, reported back a substitute for the consideration of the Senate.

The report was accepted, and laid upon the table.

A message was received from the Governor, informing the Senate that he had this day approved,

"An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison Contract;"

Also, "An Act supplementary to an Act to Fund the Debt of Los Angeles County, and provide for the payment thereof," passed March 19, 1853;

"An Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento, and Colusi;"

"An Act in relation to Personal Mortgages in certain cases;"

"An Act for the payment of certain persons named, for labor performed and materials furnished;"

And, "An Act to provide Aaron D. Blanchard and Samuel Stephens with duplicate Warrants, in lieu of certain Warrants lost or destroyed."

A message was received informing the Senate that the Assembly passed yesterday, with an amendment, Senate bill for an Act to amend "An Act to provide for the redemption of Comptroller's warrants drawn on the General Fund," passed April 1, 1853.

And passed Senate bill for "An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors."

Also, "An Act to provide a Library for the Supreme Court."

Also, an Act to amend "An Act defining the rights of Husbands and Wives," passed on April 17, 1850.

And refused to pass Senate bill for "An Act to provide for compensation to owners of private property, appropriated to the use of corporations."

And passed Assembly bill for "An Act declaratory of the effect of the repeal of Criminal Laws."

Also, "An Act for the relief of C. H. Veeder."

Also, "An Act to limit the hours of labor."

Assembly bill for "An Act for the relief of C. H. Veeder," was read twice and referred, on motion of Mr. Keene, to the Committee on Claims.

Assembly bill for "An Act declaratory of the effect of the repeal of Criminal Laws," was read twice and referred, on motion of Mr. McKibbin, to the Judiciary Committee.

Assembly bill for "An Act to limit the hours of labor," was read twice and referred, on motion of Mr. Wombough, to the Committee on Federal Relations

The Senate refused to concur in Assembly amendment to Senate bill for an Act to amend "An Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 1, 1853.

Senate bill for "An Act for the permanent location of the Seat of Government of the State of California," was read the second time.

Mr. Sprague moved an amendment to section one by striking out the words, "the present session of the Legislature."

Mr. Gruwell moved to postpone indefinitely the bill.

On which Messrs. Gruwell, Ralston and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Ralston,
Gruwell,	Walkup—4.

NAYS.

Messrs. Baird,	Messrs. Lind,
Crabb,	Lott,
De la Guerra,	Lyons,
Estill,	McKibben,
Foster,	Roach,
Hager,	Snyder,
Hubbs,	Sprague,
Keene,	Wombough—16.

So the motion was lost.

Mr. Estill moved a call of the Senate, which was sustained, and Messrs. Hudspeth, Roach and Wade were absent.

The Sergeant-at Arms was dispatched for the absentees.

Mr. Roach appeared and was admitted.

On motion of Mr. McKibben, the call was suspended.

The question was then taken on the motion to amend, and it was agreed to.

Mr. Hubbs moved to refer the bill to the Select Committee to whom was referred the consideration of the Apportionment bill.

Mr. Hager moved its reference to the Committee on Federal Relations.
Mr. Walton moved to lay the bill upon the table.
On which Messrs. Lind, Wombough and Walton demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Keene, Lind, McKibben, Ralston, Roach, Sprague, Walkup, Walton—9.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Kurtz, Lott, Lyons, Smith, Snyder, Wade, Wombough, Williams—17.

The question was then taken on the reference to the Committee on Federal Relations, and disagreed to.
The question recurring on the motion to refer to a select committee, Messrs. Baird, Catlin and Gruwell demanded the ayes and nays, and the reference was agreed to by the following vote:

AYES.

Messrs. Catlin, Coffroth, Gruwell, Hubbs, Keene, Lind, Lott, Lyons, McKibben, Ralston, Roach, Sprague, Walkup, Walton—14.

NAYS.

Messrs. Baird, Crabb, De la Guerra, Estill, Foster, Hager, Kurtz, Smith, Snyder, Wade, Wombough, Williams—12.

Mr. Lind, on leave, introduced an Act supplementary to "An Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento, and Colusi," passed May 11, 1853.

Which was read the first time and laid over, under the rule.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to prevent persons from enticing Seamen to desert."

Report adopted.

Mr. Coffroth, pursuant to notice, introduced a bill for an Act amendatory of "An Act to provide for the appointment of a Gauger for the port of San Francisco."

Which was read the first time and laid over, under the rule.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the Committee had this day presented to the Governor, for his approval, "An Act for the relief of Charles E. Pickett."

Report adopted.

Mr. Hager, on leave, introduced a bill for "An Act to limit the compensation of the Board of Supervisors of the county of San Francisco."

Which was read the first and second time, and laid over under the rule.

Mr. Walton, on leave, introduced a bill for "An Act to define the amount of fees to be charged by Clerks of Courts for the Naturalization of Foreigners."

Which was read the first and second time, and laid over under the rule.

Mr. Snyder presented the petition of George K. Glayas, Charles L. Case, Thomas Hayes, Horatio N. Squire, and G. W. Bryant, a committee on behalf of the Common Council of the city of San Francisco, praying the passage of a law authorizing said city to fund its present debt.

The petition was read, and also the Joint Resolutions of the City Council, accompanying it, and referred, on motion of Mr. Snyder, together with a bill for "An Act to fund the debt of the city of San Francisco;" to the the passage Committee on Finance.

Mr. Ralston, Chairman of the Judiciary Committee, to whom was referred a Joint Resolution of the Assembly concerning elections, reported the same back, with a substitute, entitled, "An Act concerning Elections;" and recommded its passage.

The report was accepted, the bill read a first and second time, and laid upon the table.

Mr. Catlin, from the committee of conference on the disagreeing vote of the two Houses, on Senate bill for "An Act to amend an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851;" reported as the recommendation of both committees, that the Senate concur in the Assembly amendments.

The report was accepted, and laid upon the table.

The hour having arrived, the Senate as in Committee of the Whole, Mr. Wade in the chair, proceeded to the consideration of the special order of the day, to wit:

Senate bill for "An Act to provide for the sale of the interest of the State of California, in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the

disposition of certain property of the State of California, passed March 26, 1851;" and having made sundry amendments to the same,

Mr. Lind in the chair,

On motion of Mr. Foster, the Committee rose, reported the bill back, and were disharged from its further consideration.

Mr. Wade moved that the Senate concur in the amendments.

Mr. Lyons moved to lay the bill upon the table.

The motion was put, decided carried by the Chair, and Mr. Wombough obtained the floor, when,

Mr. Coffroth called for a division, and also demanded the ayes and nays on the motion to lay the bill upon the table.

The Chair decided that Mr. Wombough was entitled to the floor, and the call for the ayes and nays was out of order.

Mr. Coffroth appealed from this decision, and on the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. Baird, Coffroth, and Wombough, with the following result:

AYES.

Messrs. Hubbs,	Messrs. Snyder,
Keene,	Sprague,
Kurtz,	Walkup,
Lott,	Walton,
Lyons,	Wombough—11.
Ralston,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Crabb,	Smith,
Coffroth,	Wade,
Foster,	Williams—8.

So the decision of the Chair was sustained.

Mr. Wombough, pursuant to notice, introduced a bill for "An Act to drain the Swamp or Tule lands of Yolo county."

Which was read the first time, and ordered printed under the rule.

Mr. Ralston gave notice that he would, on to-morrow, or some day thereafter, ask leave to introduce a bill for "An Act amendatory of an Act entitled an Act to provide for the better publication of Official and Legal Notices, passed May 3, 1853."

Mr. Sprague moved to take a recess till 7½ P. M.

Mr. Kurtz moved to adjourn.

On which Messrs. Roach, Kurtz, and Coffroth, demanded the ayes and nays, with the following result:

AYES.

Messrs. Gruwell, Keene, Kurtz, Lind, Lott, Lyons, Walton, Wombough—8.

NAYS.

Messrs. Baird, Crabb, Coffroth, Foster, Hager, Hubbs, Ralston, Roach, Smith, Snyder, Sprague, Wade, Walkup, Williams—14.

So the Senate refused to adjourn.

On the question of taking a recess till 7½ P. M., the ayes and nays were demanded by Messrs. Williams, Wombough, and Wade, with the following result:

AYES.

Messrs. Foster, Hubbs, Keene, Kurtz, Lind, Lyons, Ralston, Roach, Smith, Snyder, Sprague, Walkup, Walton—13.

NAYS.

Messrs. Baird, Crabb, Coffroth, Gruwell, Hager, Lott, Wade, Wombough, Williams—9.

So the Senate took a recess till 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President in the chair.

On motion of Mr. Crabb, Senate bill for "An Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851," was taken from the table.

The amendments made in Committee of the Whole, to section one and three, were concurred in.

Section three was further amended, on motion of Mr. Sprague.

The amendments made in Committee of the Whole to section five were concurred in.

Mr. Hubbs moved the adoption of the following, as an additional section:

"Section 7. Previous to any sale by the Commissioners, the value of the property proposed to be sold, shall be ascertained by three disinterested appraisers; one to be appointed by the Treasurer of State, one by the Comptroller of State, and one by the Secretary of State; and the valuation of any two of said appraisers, shall be recorded in duplicate in the office of the Commissioners, and in the office of Comptroller of State, and no sale shall be valid, if a less price than two-thirds of the value so appraised as the true cash value of the property. Upon failure of the Treasurer, Comptroller, or Secretary of State, to appoint and notify the Commissioners thereof, of the appraiser provided in this Act, within ten days after notice from the Commissioners, delivered to the Treasurer, Comptroller, or Secretary of State, requiring such appointment, the appointment shall be then made by the Governor."

On which, Messrs. Hubbs, Lind, and Baird, demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,
Hubbs,
Lind,
Lyons,
Messrs. Sprague,
Walkup,
Wombough—7.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
Messrs. Kurtz,
Lott,
McKibben,
Smith,

Messrs. Foster,	Messrs. Snyder,
Gruwell,	Wade,
Hager,	Walton,
Keene,	Williams—16.

So the Senate refused to adopt the section.

The amendments made in Committee of the Whole to sections seven, eight, nine and ten, were concurred in.

Mr. Hubbs moved to strike out of section ten the words "Three per cent. Bonds."

On which Messrs. Hubbs, Wombough and Crabb, demanded the ayes and nays.

And the motion was lost by the following vote:

AYES.

Messrs. Hubbs,	Messrs. Lyons,
Keene,	Sprague,
Lind,	Walkup,
Lott,	Wombough—8.

NAYS.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Crabb,	Smith,
Coffroth,	Snyder,
Foster,	Wade,
Hager,	Walton,
Kurtz,	Williams—14.

The amendment made in Committee of the Whole to section eleven, was concurred in.

On the question of concurring in the amendments to section twelve, to allow the Commissioners each a salary of three thousand dollars per annum, except the President, whose salary shall be three thousand five hundred, and the Secretary of the Board, whose salary shall also be three thousand five hundred,

The ayes and nays were demanded by Messrs. De la Guerra, Hager and Crabb, with the following result:

AYES.

Messrs. Foster,	Messrs. Smith,
Keene,	Snyder,
Kurtz,	Sprague,
Lind,	Wade,
Lott,	Walkup,
Lyons,	Walton,
McKibben,	Wombough—14.

NAYS.

Messrs. Baird,	Messrs. Gruwell,
Catlin,	Hager,
Crabb,	Hubbs,
Coffroth,	Williams—9.
De la Guerra,	

So the amendments were concurred in.

The amendments to section thirteen were also concurred in.

The sections, as amended, were concurred in.

Mr. Walton moved the adoption of the following amendment:

"Sec. 15. It shall not be lawful for any Judge or Court of this State to restrain or prohibit any sale of the Commissioners, authorized under this Act, by any order or injunction; and if any such order or injunction shall be issued for that purpose, all officers acting under this Act may proceed with such sale, notwithstanding such injunction shall have been served on such officer."

On which Messrs. Coffroth, Crabb and Wade, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Estill,	Roach,
Foster,	Snyder,
Hager,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough—15.
Lott,	

NAYS.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Ralston,
Coffroth,	Smith,
De la Guerra,	Wade—9.
Gruwell,	

So the section was adopted.

On motion of Mr. Hubbs, the vote on the adoption of section eight was reconsidered.

Mr. Ralston moved the adoption of the following as a substitute to section eight:

"The Commissioners shall, immediately after the close of each sale, make out and certify to the Governor, a full abstract of all the sales made,

and the Treasurer shall at the same time, certify an abstract of all receipts of money on such sales, whereupon the Governor shall cause to be issued letters patent, conveying all the right, title and interest, in and to such property, to the purchaser of the property so purchased at such sales."

On which Messrs. Ralston, Smith and Wombough, demanded the ayes and nays.

And the substitute was lost by the following vote:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Gruwell,	Ralston,
Hubbs,	Sprague,
Kurtz,	Wombough—8.

NAYS.

Messrs. Baird,	Messrs. McKibben,
Crabb,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,
Foster,	Wade,
Hager,	Walkup,
Keene,	Walton,
Lind,	Williams—17.
Lott,	

Mr. Hager moved to amend section eight.

Which was agreed to, and

On motion of Mr. Coffroth, the section, as amended, was adopted.

On motion of Mr. Wade, the bill was ordered engrossed for a third reading.

Mr. Walkup, from the Committee on Engrossment, reported as correctly engrossed, "An Act to Fund the Debt of the County of Yolo, and provide for the payment thereof."

Report adopted.

On motion of Mr. Catlin, the report of the Committee of Conference on the disagreeing vote of the two Houses, on Senate bill for "An Act to amend an Act declaring certain Rivers and Creeks navigable," was taken from the table.

Mr. Smith moved that the Senate concur in the report of the committee.

On which Messrs. Walton, Keene and Wombough, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Smith,
Catlin,	Snyder,
Crabb,	Wade—7.
Coffroth,	

NAYS.

Messrs. Foster, Hubbs, Keene, Lind, Lott, Lyons, Sprague, Walkup, Walton, Wombough—10.

So the Senate refused to concur.

Mr. Walton then moved that a committee of free conference be appointed on the disagreeing vote of the two Houses.

Which was agreed to.

And the Chair announced as the committee, Messrs. Walton, Lind and Crabb.

Mr. Estill asked leave to introduce a bill for "An Act granting permission to the Clay Street Wharf to change the direction of the same."

But objections were made, and leave was not granted.

Senate bill for "An Act to Fund the Debt of the County of Yolo, and provide for the payment thereof," was read a third time, and passed.

Mr. Smith moved to adjourn.

Lost.

Mr. Coffroth moved that the Senate adjourn to ten o'clock to-morrow.

Which was agreed to, and the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. Bradford, Secretary.

IN SENATE.

Thursday, May 12, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Wednesday was read and approved.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled,

An Act to repeal "An Act to provide for the payment of State Prison Inspectors," approved May 3d, 1852;"

An Act to repeal "An Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," passed April 25th, 1851;

"An Act to provide a Library for the Supreme Court."

"An Act to change the name of Alfred Morgan to Alfred Grey Morgan;"

"An Act to provide for the pay and compensation of Major James Birney, as Paymaster to troops called into the service of this State in defending our Eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851;"

"An Act to amend an Act defining the rights of husband and wife, passed on 17th April, 1850;"

"An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors."

Mr. Coffroth, Chairman of the Committee on Federal Relations, submitted the following report. (See Appendix No. 72, relative to the Pacific Railway.)

The report was accepted, and

On motion of Mr. Kurtz, one thousand copies ordered printed.

The substitute Joint Resolutions in relation to a Railroad from the Mississippi valley to the Pacific ocean were read twice, when

On motion of Mr. Kurtz the rules were suspended; they were considered engrossed, read a third time and passed.

Mr. Wade in the chair.

Mr. Hubbs, from the Committee on Corporations, reported back Senate bill for "An Act supplemental to an Act to provide for the incorporation of Railroad Companies," approved April 22d, 1853, and recommended its passage with an amendment.

The Senate proceeded to the consideration of the bill; the report was adopted, the amendment concurred in, when

On motion of Mr. Hubbs, the bill was considered engrossed, read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Coffroth, Walkup and Keene, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Crabb,	Ralston,
Estill,	Smith,
Foster,	Snyder,
Hager,	Wade,
Hubbs,	Wombough,
Lott,	Williams—14.

NAYS.

Messrs. Baird, Coffroth, Keene, Kurtz, Sprague, Walkup, Walton—7.

So the bill was passed.

A message was received informing the Senate that the Assembly yesterday concurred in Senate amendments to Assembly bill for "An Act to provide for the construction of a canal from Tulare Lake to the waters of the San Joaquin;

And passed the following Assembly bills:

"An Act to amend an Act concerning Roads and Highways;"

"An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco:"

"An Act explanatory of an Act entitled an Act defining the time within which actions shall be commenced in certain cases;"

"An Act for the more effectual distribution of the laws and journals and public documents of the State of California,"

And also, "An Act to provide for securiry to be given by county officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs, passed April 29th, 1851."

Assembly bill for "An Act to amend an Act concerning Roads and Highways," was read twice, and referred, on motion of Mr. Lyons, to the Committee on Roads and Highways.

Assembly bill for "An Act to abolish the offices of Commissioners of the Funded Debt of San Francisco," was read twice, and referred, on motion of Mr. Hager, to the San Francisco delegation.

On motion of Mr. Lott, the Committee were instructed to report to-night.

Assembly bill for "An Act explanatory of an Act defining the time within which actions shall be commenced in certain cases," was read twice, and on motion of Mr. Lott, laid upon the table.

Assembly bill for "An Act for the more effectual distribution of the laws, journals, and public documents of the State of California," was read twice, and referred, on motion of Mr. Lott, to the Committee on Public Printing.

Assembly bill for "An Act to provide for security to be given by county officers acting under appointments, and to amend the fifty fifth section of the Act concerning Sheriffs," passed April 29th, 1851, was read the first and second time, the rules suspended, and on motion of Mr. Coffroth, the bill read a third time and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads;" and that the Committee had inserted the word "time" after the second word "the" in the fourth section, and erased the word "not" in the third line of section twenty.

On motion of Mr. Lott, the report was concurred in.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred Assembly bill for "An Act for the relief of Manuel Garfias," reported the same back with a substitute.

Mr. Lott moved the adoption of the substitute, which was agreed to, and the bill read a third time, and on the question of its passage the ayes and nays were demanded by Messrs. Sprague, Lyons and De la Guerra, with the following result:

AYES.

Messrs. Crabb,	Messrs. Roach,
De la Guerra,	Smith,
Foster,	Snyder,
Gruwell,	Sprague,
Hubbs,	Wade,
Keene,	Walton,
Lind,	Wombough,
Lott,	Williams—16.

NAYS.

Messrs. Baird,	Messrs. Lyons,
Catlin,	Walkup—5.
Hager,	

So the bill was passed.

Assembly bill for "An Act providing for the location of the County Seat of Colusi county," was taken up.

On motion of Mr. Wombough, read a third time and passed.

Mr. Gruwell moved to take from the table Senate bill for "An Act to encourage the settlement and secure improvements on wild and unoccupied lands."

On which Messrs. Wombough, Sprague and Gruwell demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
Crabb,	Ralston,
Coffroth,	Smith,
Gruwell,	Sprague,
Keene,	Wade,
Lott,	Williams—12.

NAYS.

Messrs. Catlin,	Messrs. Roach,
De la Guerra,	Snyder,
Estill,	Walkup,

Foster, Messrs. Walton,
Hager, Wombough—10.

So the bill was taken from the table.

Mr. Ralston moved that the Senate concur in the amendments made in committee of the whole.

Which was agreed to.

Mr. Sprague moved an amendment to section eight.

Which was adopted.

Mr. Wombough moved to amend section one by striking out in the first line the word "have" and inserting the word "hereafter."

On which Messrs. Wombough, Gruwell and Ralston demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Messrs. Kurtz,
De la Guerra, Roach,
Foster, Snyder,
Hager, Wombough—8.

NAYS.

Messrs. Catlin, Messrs. Lyons,
Crabb, Ralston,
Coffroth, Smith,
Gruwell, Sprague,
Hubbs, Wade,
Keene, Walkup,
Lott, Williams—14.

So the amendment was lost.

Mr. Walton moved to lay the bill upon the table.

On which Messrs. Ralston, Snyder and Wombough demanded the ayes and nays, when

Mr. Williams moved a call of the Senate, which was not sustained.

The question was then taken on the motion to lay on the table, with the following result:

AYES.

Messrs. Baird, Messrs. Lott,
Catlin, Lyons,
De la Guerra, Roach,
Estill, Sprague,
Foster, Walkup,
Hager, Walton,
Keene, Wombough—15.
Kurtz,

NAYS.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Smith,
Gruwell,	Snyder,
Hubbs,	Williams—8.

So the bill was laid upon the table.

Mr. Lyons, Chairman of the Engrossing Committee, reported as correctly engrossed,

The amendment to "An Act supplemental to an Act to provide for the Incorporation of Railroad Companies, approved April 22d, 1853."

Report adopted.

A message was received informing the Senate that the Assembly passed yesterday, "An Act to prohibit gaming."

The bill was read a first and second time, and referred, on motion of Mr. Lott, to the Committee on Public Vice and Immorality.

Senate bill for "An Act supplemental to an Act to abolish the Boards of Supervisors of Calaveras, Sacramento, and Colusi counties, passed May 11, 1853;" was read a second time, when,

On motion of Mr. Catlin, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate bill for "An Act amendatory of an Act to provide for the appointment of a Gauger for the Port of San Francisco;" was read the second time, and on motion of Mr. Lott, laid upon the table.

Senate bill for "An Act to define the amount of fees to be charged by Clerks of Courts for the naturalization of Foreigners;" was read a second time, when,

On motion of Mr. Walton, the rules were suspended, the bill considered engrossed, read a third time and passed.

On motion of Mr. Sprague, the title was amended, by striking out the words "amount of."

Senate bill for "An Act to limit the compensation of the Board of Supervisors of the county of San Francisco;" was read the second time, and,

On motion of Mr. Hager, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act to provide for the construction of a canal from Tulare Lake, to the waters of the San Joaquin."

Report adopted.

Senate bill for "An Act amendatory and explanatory of an Act for the relief of William Waldo, approved May, 1853; and also, of an Act for the relief of Charles E. Pickett, approved May, 1853;" was read a third time, and passed.

On motion of Mr. Lott, the Senate took a recess till 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ P. M.

President, *pro tem.*, in the chair.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back Assembly bill for "An Act to limit the hours of labor," and recommended its adoption.

The report was accepted, the bill read a third time and passed.

On motion of Mr. Hubbs, Senate bill for "An Act supplementary to an Act to Fund the indebtedness of the State, which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds," approved May 1st, 1852, was taken from the table.

Mr. Hubbs moved an amendment as an additional section.

Which was agreed to.

On motion of Mr. Wombough, the rules were suspended, the bill considered engrossed, and on the question of its passage, Messrs. Kurtz, Hager and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs.	Catlin,	Messrs.	Lott,
	Estill,		Lyons,
	Hubbs,		Sprague,
	Hudspeth,		Wade,
	Keene,		Wombough—11.
	Lind,		

NAYS.

Messrs.	Baird,	Messrs.	Kurtz,
	Coffroth,		Roach,
	Foster,		Snyder,
	Gruwell,		Walkup,
	Hager,		Williams—10.

So the bill was passed.

Mr. Estill, from the select committee to whom was referred Senate bill for "An Act for the permanent location of the Seat of Government of the State of California," submitted a majority report, recommending the adoption of an amendment.

The report was accepted, and the amendment concurred in, when

Mr. Catlin moved the adoption of a substitute, entitled "An Act to provide for the permanent location of the Seat of Government of the State of California."

Mr. Catlin moved to lay the whole matter upon the table.

On which Messrs. Estill, Wade and Gruwell demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,
Coffroth,
Gruwell,
Keene,
Lind,
Ralston,
Sprague,
Walkup,
Walton—9.

NAYS.

Messrs. Baird,
De la Guerra,
Estill,
Foster,
Hager,
Hubbs,
Hudspeth,
Kurtz,
Lott,
Lyons,
Roach,
Snyder,
Wade,
Wombough,
Williams—15.

So the motion to lay on the table was lost.

The question recurring on the adoption of the substitute, the ayes and nays were demanded by Messrs. Catlin, Wade and Williams, with the following result:

AYES.

Messrs. Catlin,
Gruwell,
Keene,
Ralston,
Sprague,
Walkup,
Walton—7.

NAYS.

Messrs. Baird,
Coffroth,
De la Guerra,
Estill,
Foster,
Hager,
Hubbs,
Hudspeth,
Kurtz,
Lind,
Lott,
Lyons,
Roach,
Smith,
Snyder,
Wade,
Williams—17.

So the substitute was lost.

Mr. Estill moved that the rules be suspended, the bill considered engrossed, and read a third time.

Which was agreed to by the following ayes and nays, demanded by Messrs. Estill, Gruwell and Catlin:

AYES.

Messrs. Baird,	Messrs. Lott,
Coffroth,	Lyons,
De la Guerra,	Roach,
Estill,	Smith,
Hager,	Snyder,
Hubbs,	Wade,
Hudspeth,	Wombough,
Kurtz,	Williams—17.
Lind,	

NAYS.

Messrs. Catlin,	Messrs. Sprague,
Gruwell,	Walkup,
Keene,	Walton—7.
Ralston,	

The bill was then read a third time, when

Mr. Lott moved to lay it upon the table.

Which was agreed to.

Mr. Wombough gave notice that, on to-morrow, he would ask leave to introduce a bill for "An Act concerning fees of office."

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed, "An Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.

The report was adopted.

On motion of Mr. Coffroth, Senate Joint Resolutions in relation to grants of land by the General Government to aid in the construction of the Benicia and Marysville Railroad, were taken from the table.

The amendments reported by the Committee on Federal Relations were concurred in.

The title was amended on motion of Mr. Coffroth, and the resolutions ordered engrossed for a third reading.

Mr. Lott in the chair.

On motion of Mr. Estill, the select committee to whom was referred the consideration of the apportionment bill, was allowed further time to report.

Mr. Roach moved to take from the table Senate bill for "An Act to provide for the sale of the interest of the State of California in the property within the Water Line Front of the city of San Francisco, as defined in and

by the Act entitled an Act to provide for the disposition of certain propety of the State of California," passed March 26, 1851.

Which was agreed to.

Mr. Roach was granted the unanimous leave of the Senate to introduce the following amendment to the bill:

"Section 16. So much of the property known as the Government Reserves, situate on the block bounded by Sansome, Battery, Washington and Jackson Streets, as may have been selected by, or on behalf of the General Government for the erection of a custom house, are reserved and excepted from the provisions of this Act."

The amendment was adopted.

And the bill, on motion of Mr. Lyons, was recommitted to the engrossing committee.

Mr. Wombough asked leave to introduce the claim of Maj. John Brown.

Which was refused by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Lott,
Estill,	Ralston,
Grnwell,	Sprague,
Hubbs,	Wade,
Hudspeth,	Walton—11.
Keene,	

NAYS.

Messrs. Baird,	Messrs. Lind,
Catlin,	Roach,
De la Guerra,	Snyder,
Foster,	Walkup,
Hager,	Wombough—11.
Kurtz,	

Mr. Wombough gave notice that, on to-morrow, he would ask leave to introduce the same account.

Mr. Coffroth moved to take from the table Senate Concurrent Resolution in relation to European colonization on the Continent of America.

Which was agreed to.

The substitute reported by the Committee on Federal Relations, was adopted and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the committee had, this day, presented to the Governor for his approval, "An Act to repeal an Act to provide for the payment of State Prison Inspectors," approved May 3, 1852.

"An Act to repeal an Act creating the office of Snperintendent of Public Buildings and Property, and defining the duties of that office," passed April 25, 1851.

"An Act to provide a Library for the Supreme Court."

"An Act to change the name of Alfred Morgan to Alfred Grey Morgan."

"An Act to provide for the pay and compensation of Major James Birney, as paymaster to troops called into the service of this State, in defending our eastern frontier from the hostilities of Indians, under an Act passed March 17th, 1851."

"An Act to amend an Act defining the rights of Husband and Wife," passed April 17, 1850.

"An Act concerning the auditing of accounts of the Court of Sessions and Board of Supervisors."

"An Act amendatory of an Act entitled an Act authorizing the Treasurer of the State to issue bonds for the payment of the Mariposa, Second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," passed May 3d, 1852.

"An Act to provide for the construction of a canal from Tulare Lake to the waters of the San Joaquin."

And "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads."

And have deposited with the Secretary of State, Joint Resolution relative to the Law Library at the city of San Francisco.

The report was adopted.

Mr. Sprague moved to take from the table Senate bill for "An Act to repeal an Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.

Mr. Hubbs moved a call of the Senate, which was sustained, and Messrs. Crabb and McKibben were absent.

Mr. Crabb, on motion of Mr. Wade, was excused from the action of the call.

On motion of Mr. Lyons, further proceedings under the call were suspended.

The question recurring on the motion to take up the bill, the ayes and nays were demanded by Messrs. Hubbs, Sprague and Smith:

AYES.

Messrs. Estill,	Messrs. Lyons,
Gruwell,	Ralston,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough—13.
Lott,	

NAYS.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,

Messrs. Foster,
Hager,
Hudspeth,
Messrs. Wade,
Williams—13.

So the motion was lost.

On motion of Mr. Estill, Senate bill for "An Act for the permanent location of the Seat of Government of the State of California," was taken from the table.

The bill having been read a third time, the question was on its passage, and the ayes and nays were demanded by Messrs. Estill, Smith and Hubbs, with the following result:

AYES.

Messrs. Baird,
Coffroth,
De la Guerra,
Estill,
Foster,
Hager,
Hubbs,
Hudspeth,
Kurtz,
Lind,
Messrs. Lott,
Lyons,
McKibben,
Roach,
Smith,
Snyder,
Wade,
Wombough,
Williams—19.

NAYS.

Messrs. Catlin,
Gruwell,
Keene,
Ralston,
Messrs. Sprague,
Walkup,
Walton—7.

There being a constitutional majority, the Chair declared the bill passed.

Mr. Coffroth moved to take from the table Senate bill for "An Act amendatory of an Act to provide for the appointment of a Gauger for the port of San Francisco."

On which Messrs. Lyons, Hubbs and Smith demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird,
Catlin,
Coffroth,
De la Guerra,
Foster,
Messrs. Hager,
Hudspeth,
Ralston,
Snyder,
Wade—10.

NAYS.

Messrs. Estill,	Messrs. Roach,
Gruwell,	Smith,
Hubbs,	Sprague,
Keene,	Walkup,
Lind,	Walton,
Lott,	Wombough,
Lyons,	Williams—15.
McKibben,	

On motion of Mr. Baird the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

FRIDAY, May 13, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President, *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Thursday was read and approved.

Mr. Lind, on behalf of the Committee on State Hospitals, reported back Assembly bill for "An Act to provide for the payment of the indebtedness of the State Hospital at the city of Sacramento," and recommended it to the favorable consideration of the Senate.

The report was accepted and laid upon the table.

Mr. Coffroth, Chairman of the Committee on Federal Relations, to whom was referred so much of the Governor's message as relates to the abolition of the Board of Land Commissioners, established for the settlement of private land claims in California; also various petitions from citizens of Sacramento county, praying for the same; and also Joint Resolutions of instruction, passed 25th January, 1853, upon the same subject; reported the same

back with Joint Resolutions in relation to the United States Land Commission in California.

The report was accepted and the resolutions read the first time.

Mr. Coffroth moved a suspension of the rules, and that the resolutions be read a second time.

On which Messrs. Ralston, Gruwell and Hubbs demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin.	Messrs. Ralston.
Coffroth.	Smith.
Gruwell.	Sprague.
Hubbs.	Walker.
Lott.	Wombough.
Lind.	Williams—16.
Lyons.	

NAYS.

Messrs. Baird.	Messrs. Keene.
De la Guerra.	Kurtz.
Estill.	Roach.
Foster.	Snyder.
Hager.	Wade.
Hudspeth.	Walton—12.

There not being a two-thirds vote, the rules were not suspended.

Mr. Gruwell, Chairman of the Committee on Public Vice and Immorality, reported back Assembly bill for "An Act to prohibit Gaming," and recommended its passage.

The report was accepted and laid upon the table.

Senate bill for "An Act to drain the swamp or tule lands of Yolo county," was read a second time and referred, on motion of Mr. Smith, to the Judiciary Committee.

Mr. Sprague moved to take from the table Assembly bill for "An Act to abolish Gaming," which was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill, and having made sundry amendments thereto.

On motion of Mr. Smith, the committee rose and reported the bill back to the Senate.

On motion of Mr. Sprague, the amendments made in Committee of the Whole, were taken up separately.

Mr. Smith moved to lay the bill upon the table.

On which Messrs. Sprague, Walton and Gruwell demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Estill,
Hudspeth,
Keene,
Lott,
Lyons,
Roach,
Smith,
Snyder—9.

NAYS.

Messrs. Coffroth,
Foster,
Gruwell,
Hager,
Hubbs,
Lind,
Ralston,
Sprague,
Wade,
Walkup,
Walton,
Wombough,
Williams—13.

So the motion to lay on the table was lost.

The question was then taken on the concurrence of the Senate to the first amendment; when Mr. Walton moved a call of the Senate, which was sustained, and Messrs. McKibben and Snyder were absent.

Mr. Hubbs moved to suspend the call.

Lost.

The Sergeant-at-Arms was despatched for the absentees.

Mr. McKibben appeared and was admitted.

On motion of Mr. Wade, the call was suspended.

The question recurring on the motion to concur on the first amendment as follows:

"If any person or persons shall play for money, or any other valuable thing, at any game with cards, dice, checks, or at billiards, or with any other article, playing or betting upon, or winning or losing money, or any other thing or things, article or articles of value, or shall bet on any game others may be playing, every person so offending, on conviction thereof, shall be fined not exceeding one thousand dollars, nor less than two hundred dollars for the first offence and double that amount for every subsequent offence."

On which Messrs. Sprague, Gruwell and Walton demanded the ayes and nays:

AYES.

Messrs. Baird,
Estill,
Hager,
Hudspeth,
Keene,
Kurtz,
McKibben,
Smith,
Wade,
Walkup—10.

NAYS.

Messrs. Catlin,	Messrs. Lott,
Coffroth,	Lyons,
De la Guerra,	Snyder,
Foster,	Sprague,
Gruwell,	Walton,
Hubbs,	Wombough,
Lind,	Williams—14.

So the Senate refused to concur in the amendment.

Mr. Wombough moved to reconsider the vote just taken.

On which Messrs. Hubbs, Gruwell and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Wade,
Hudspeth,	Walkup,
Lyons,	Wombough—7.
Smith,	

NAYS.

Messrs. Baird,	Messrs. Lind,
Coffroth,	Lott,
Estill,	McKibben,
Foster,	Ralston,
Gruwell,	Roach,
Hager,	Snyder,
Hubbs,	Sprague,
Keene,	Walton,
Kurtz,	Williams—18.

So the vote was not reconsidered.

Mr. Coffroth moved that the Senate concur in the second amendment to strike out section four, as follows:

"That the owner or owners, occupant or occupants of any house in which a banking game or games shall be played, he, she or they wilfully or knowingly assenting thereto, shall be deemed and held guilty of aiding and assisting in keeping and playing such game or games, and on conviction shall be held liable and subject to all the penalties and liabilities set forth in the third section of this Act."

On which Messrs. Sprague, Gruwell and Wombough demanded the ayes and nays, and the Senate refused to concur by the following vote:

AYES.

Messrs. Baird, Catlin, Coffroth, De la Guerra, Hager, Hubbs, Lott, Lyons, McKibben, Roach, Wade, Wombough—12.

NAYS.

Messrs. Estill, Foster, Gruwell, Keene, Lind, Ralston, Smith, Snyder, Sprague, Walkup, Walton, Williams—12.

Mr. Wade moved to concur in the amendment to section seventeen to strike out the words "one-third to the use of the District Attorney, and two-thirds."

Mr. Coffroth moved a call of the Senate.

Lost.

The question was then taken on the motion to concur, and the ayes and nays were demanded by Messrs. Gruwell, Hubbs, and Coffroth, with the following result:

AYES.

Messrs. Baird, Catlin, Coffroth, De la Guerra, Foster, Hager, Lott, Lyons, McKibben, Roach, Sprague, Wade, Walkup—13.

NAYS.

Messrs. Estill, Gruwell, Hubbs, Lind, Ralston, Snyder, Wombough, Williams—8.

So the words were struck out.

Mr. Walton moved to recommit the bill, with instructions to strike out the second and fourth sections, and number the sections accordingly.

Mr. Estill moved to amend by instructing the committee to bring in a bill for the suppression of gambling on the Sabbath day, and to prevent the collection of any debt or liabilities created by betting or gambling.

On which Messrs. Wade, Williams, and Gruwell, demanded the ayes and nays, and the amendment was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Lyons,
Estill,	Smith,
Hager,	Wade,
Hubbs,	Wombough—8.

NAYS.

Messrs. Gruwell,	Messrs. Sprague,
Lind,	Walkup,
Lott,	Walton,
Ralston,	Williams—8.

The question recurring on the motion to recommit, with instructions, it was agreed to.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851."

Report adopted.

Mr. Walton, from the committee of free conference, submitted the following report:

Mr. President:

The Joint Committee of free conference on the disagreeing vote of the Senate and Assembly, on Assembly amendments to "An Act to amend an Act declaring certain rivers and streams navigable," passed February 18, 1851, have had the same under consideration, and recommend that the Senate agree to the said amendments, and that the following proviso be added to section one.

JOHN WALTON,
Chairman Senate Committee.

The report was concurred in, on motion of Mr. Lind.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor;" and

"An Act to limit the hours of labor."

Report adopted.

Mr. Lyons, Chairman of the Committee on Engrossment, reported as correctly engrossed "An Act supplementary to an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29th, 1851,

to December 31st, 1852, to provide for the payment of the three per cent. bonds," approved May 1st, 1852; also, a bill for

"An Act for the permanent location of the Seat of Government of the State of California;" also, a bill for

"An Act to limit the compensation of the Board of Supervisors of the county of San Francisco;" also,

"An Act to define the fees to be charged by Clerks of Courts for the naturalization of Foreigners;" also,

"Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean;" and

Senate "Joint Resolution in relation to grants of land by the General Government to aid in the construction of Railroads."

The report was adopted.

Mr. Ralston, Chairman of the Committee on the Judiciary, reported back Assembly bill for an Act declaratory of the effect of the repeal of criminal laws, and recommended its passage, without amendment.

The report was accepted, the bill read a third time and passed.

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for an Act supplementary and to amend an Act concerning Crimes and Punishments, passed April 16, 1850, and recommended its passage without amendment.

A message was received, informing the Senate that the Assembly passed yesterday—

Senate bill for "An Act to Fund the Debt of the county of Yolo, and provide for the payment thereof;" also

"An Act entitled an Act to prevent persons from enticing Seamen to desert;" and also

"An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the counties of Calaveras, Sacramento, and Colusi," passed May 11, 1853;

And passed, with amendments, Senate bill for "An Act to establish an Asylum for the Insane of the State of California;"

And also, with amendments, Senate bill for "An Act to abolish the present State Hospitals;" and bill amended by adding, "And to provide for liquidating the indebtedness of the same."

And refused to pass Senate bill for "An Act to provide for granting Passports;"

And indefinitely postponed Senate "Joint Resolution in relation to Postal Arrangements;"

And passed Senate bill for "An Act for the relief of Manuel Garfias."

And appointed as a committee of conference Messrs. Carpentier, Johnson, and Myres, on the disagreeing vote of the two Houses on Senate bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers."

And also appointed, as a committee of conference, Messrs. Taylor, Heydenfeldt and McMeans, on the disagreeing vote of the two Houses, on Senate bill for "An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 1st, 1853.

And appointed, as a committee of free conference, Messrs. Heydenfeldt,

Yeiser and Johnson on the disagreeing votes of the two Houses on Senate bill for "An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable," passed February 18th, 1851.

And passed Assembly bill for "An Act to abolish the office of Quarter-Master General in this State, and to provide for the performance of the duties thereof;" also,

"An Act to authorize the raising of a Company of Rangers;" and also

"An Act to amend an Act entitled an Act to create a Board of Supervisors for the counties of this State and to define their duties and powers."

And concurred in Senate amendment to Assembly bill for "An Act to prevent persons from obstructing the channels of Humboldt Bay and Harbor."

Mr. Lyons moved that the Sergeant-at-Arms be granted leave of absence for two days.

Agreed to.

Mr. Smith moved that a committee of conference on the disagreeing vote of the two Houses on Senate bill for "An Act revising and amending the Act concerning the Courts of Justice of this State and Judicial Officers."

Which was agreed to, and the Chair appointed as the committee, Messrs. Smith, Hager and Estill.

Mr. Coffroth moved that Senate bill for "An Act to abolish the present State Hospitals," amended by the Assembly, be referred to a select committee of three.

Which was agreed to, and the Chair appointed as the committee, Messrs. Coffroth, Keene and Lind.

Assembly bill for "An Act to authorize the raising of a Company of Rangers," was read twice and referred, on motion of Mr. Smith, to the Committee on Military Affairs.

Assembly bill for "An Act to abolish the office of Quarter-Master General in this State and to provide for the performance of the duties thereof," was read twice and referred, on motion of Mr. Lind, to the Committee on Military Affairs.

Assembly bill for "An Act to amend an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers," was read twice and referred, on motion of Mr. Lind, to the Judiciary Committee.

Senate bill for "An Act to establish an Asylum for the Insane of the State of California," amended by the Assembly, was referred, on motion of Mr. Hubbs, to the Committee on State Hospitals.

Senate bill for "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by the Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851," was read a third time.

When Mr. Roach moved a call of the Senate, which was sustained; and Messrs. Foster, Gruwell, Hudspeth, Keene, Kurtz, McKibben, Snyder, Sprague, Walton, Wombough and Williams were absent.

Mr. Lind moved to suspend the call.

Lost.

Messrs. Kurtz, Foster, Keene, Snyder and McKibben appeared and were admitted.

On motion of Mr. Coffroth, the call was suspended.

Mr. Ralston moved to recommit the bill to the Committee on Commerce, with instructions to amend the bill so as to secure to the owners of houses and other improvements on lots and lands in the city, the benefit of their improvements or a just right of preference in the purchase, so that they may not be deprived of the value of their labor and improvements of property belonging to the State.

Mr. Hubbs moved to amend by further instructing the committee to remodel the bill, so as to provide for the sale of the Government Reserves only.

On which Messrs. Lyons, Hubbs and Roach demanded the ayes and nays with the following result:

AYES.

Messrs. Hubbs,
Lind,
Lyons,
Messrs. Ralston,
Smith—5.

NAYS.

Messrs. Baird,
Catlin,
Coffroth,
De la Guerra,
Estill,
Foster,
Gruwell,
Hager,
Hudspeth,
Keene,
Kurtz,
Messrs. Lott,
McKibben,
Roach,
Snyder,
Sprague,
Wade,
Walkup,
Walton,
Wombough,
Williams—21.

So the amendment was lost.

The question was then taken on the motion to recommit, with instructions, and Messrs. Roach, Hubbs and Hager demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,
Estill,
Gruwell,
Hubbs,
Messrs. Kurtz,
Lind,
Ralston—7.

NAYS.

Messrs. Baird,	Messrs. Roach,
Catlin,	Smith,
De la Guerra,	Snyder,
Foster,	Sprague,
Hager,	Wade,
Hudspeth,	Walkup,
Keene,	Walton,
Lott,	Wombough,
McKibben,	Williams—18.

So the motion to recommit was not agreed to.

Mr. Wombough was granted unanimous leave to introduce the following amendment:

In the seventh section, after the word "commerce," insert "until otherwise ordered by law."

Which was adopted.

The question was then taken on the passage of the bill, and Messrs. Estill, Hubbs and Sprague demanded the ayes and nays with the following result:

AYES.

Messrs. Baird,	Messrs. McKibben,
Catlin,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,
Foster,	Sprague,
Hager,	Wade,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lott,	Williams—21.
Lyons,	

NAYS.

Messrs. Estill,	Messrs. Lind,
Hubbs,	Ralston—4.

So the bill was passed.

Mr. Wombough was granted leave, by the following vote, to introduce the claim of Major John Brown, to wit:

AYES.

Messrs. Baird,	Messrs. Ralston,
Coffroth,	Roach,

Messrs. De la Guerra,
Estill,
Hubbs,
Hudspeth,
Keene,
Lind,
Lott,
Lyons,
Messrs. Smith,
Snyder,
Sprague,
Wade,
Walton,
Wombough,
Williams—19.

NAYS.

Messrs. Catlin,
Foster,
Messrs. Hager,
Kurtz—4.

On motion of Mr. Smith, the claim was laid upon the table.

Senate Joint Resolution in relation to grants of Land by the General Government, to aid in the construction of Railroads, was read a third time and passed.

On motion of Mr. Wade, the vote on the passage was reconsidered.

Mr. Wade moved to lay the resolution upon the table.

Which was agreed to.

Mr. Kurtz moved to adjourn.

On which Messrs. Baird, Kurtz and Coffroth demanded the ayes and nays, and the motion was lost by the following vote :

AYES.

Messrs. Baird,
De la Guerra,
Estill,
Hudspeth,
Kurtz,
Messrs. Lind,
Lyons,
McKibben,
Ralston—9.

NAYS.

Messrs. Catlin,
Coffroth,
Foster,
Hager,
Hubbs,
Keene,
Roach,
Smith,
Messrs. Snyder,
Sprague,
Wade,
Walkup,
Walton,
Wombough,
Williams—15.

On motion of Mr. Smith, the Senate took a recess until 7½ P. M.

EVENING SESSION.

Senate re-assembled at 7½ o'clock, P. M.

President, *pro tem.*, in the chair.

Mr. Wombough moved to take up the bill for the relief of John Brown.

Which was agreed to.

The bill was read a first and second time.

Mr. Crabb moved to suspend the rules and that the bill be read a third time.

Not agreed to.

On motion of Mr. Wombough, the bill was then committed to a select committee, consisting of the Senators from Mariposa and El Dorado.

Mr. Smith moved to take up Senate bill for "An Act in relation to Joint Tenancies and Tenancies in Common."

Which was agreed to.

And the bill was read a third time and passed.

Mr. Wombough gave notice that, on to-morrow, he would ask leave to introduce a bill for "An Act to incorporate a company to build a bridge across the Straits of Carquinez.

Mr. Smith moved to take from the table Senate bill for "An Act supplementary to, and to amend an Act concerning Crimes and Punishments," passed April 16, 1850.

Which was agreed to.

Mr. Sprague moved to indefinitely postpone the bill.

On which Messrs. Wombough, Hubbs and Sprague demanded the ayes nays, and the motion was lost by the following vote:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Sprague,
De la Guerra,	Wade,
Foster,	Walkup,
Kurtz,	Wombough—10.

NAYS.

Messrs. Coffroth,	Messrs. Lind,
Estill,	Lyons,
Hager,	Ralston,
Hubbs,	Smith,
Keene,	Williams—10.

Mr. Catlin moved to recommit the bill to a select committee of three, with instructions.

Which was agreed to.

And on motion of Mr. Estill, the committee were instructed to report to-morrow.

The Chair announced as the committee, Messrs. Catlin, Smith and Lott.

Mr. Hubbs moved to take from the table Senate bill for "An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 18, 1853.

Which was agreed to.

The Senate adhered to its amendment to Assembly amendment to the bill.

Mr. Hubbs moved that a committee of free conference be appointed on the disagreeing vote of the two Houses.

Which was agreed to.

The Chair appointed as the committee, Messrs. Hubbs, Foster and Catlin.

A message was received from the Governor, informing the Senate that he approved, on the 12th instant,

"An Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors;"

"An Act to amend an Act entitled an Act defining the rights of husband and wife," passed April 17th, 1850;

"An Act to repeal an Act creating the office of Superintendent of Public Buildings and property, and defining the duties of that officer;"

"An Act to change the name of Alfred Morgan to Alfred Grey Morgan;"

"An Act to repeal an Act to provide for the payment of State Prison Inspectors," approved May 3d, 1852; and

"An Act to provide for the pay and compensation of Maj. James Birney, as paymaster to troops called into the service of this State in defending our eastern frontier from the Indians, under an Act passed March 17th, 1851."

Mr. Wade, Chairman of the Committee on Military Affairs, reported back Assembly bill for "An Act to authorize the raising of a Company of Rangers," and recommended its passage without amendment.

The report was accepted; when,

On motion of Mr. Wade, the Senate, as in Committee of the Whole—Mr. Lind in the chair—proceeded to consider the bill; and having made sundry amendments thereto,

On motion of Mr. Hager, the committee rose and reported the bill back to the Senate.

Mr. Hager moved an amendment to section two.

Which was agreed to.

Mr. Lott moved to strike out, in section two, the words "one hundred and fifty," and insert "seventy-five."

On which the ayes and nays were demanded by Messrs. Lott, Coffroth and Hubbs, and the motion was lost by the following vote:

AYES.

Messrs. Baird,
De la Guerra,
Foster,
Hudspeth,
Lott,
Sprague,
Walkup—7.

NAYS.

Messrs. Catlin,
Crabb,
Coffroth,
Estill,
Gruwell,
Hager,
Hubbs,
Keene,
Lind,
Lyons,
Roach,
Smith,
Wade,
Walton,
Wombough—15.

Mr. Catlin moved to strike out, in line six, section one, the following words, "four months," and insert "three months."

On which the ayes and nays were demanded by Messrs. Coffroth, Catlin and Wade, and the motion was agreed to by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
De la Guerra,
Foster,
Hudspeth,
Keene,
Lind,
Lott,
Lyons,
Roach,
Sprague,
Walkup—13.

NAYS.

Messrs. Coffroth,
Estill,
Gruwell,
Hager,
Hubbs,
Smith,
Wade,
Walton,
Wombough—9.

Mr. Lott moved to amend, by inserting in the seventh line of section two, after the word month, "payable out of the War Fund."

On which Messrs. Coffroth, Smith and Wade, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin,
De la Guerra,
Roach,
Sprague,

Messrs. Foster,
Lott,

Messrs. Walkup—7.

NAYS.

Messrs. Baird,
Crabb,
Coffroth,
Estill,
Gruwell,
Hager,
Hubbs,
Hudspeth,

Messrs. Keene,
Lind,
Lyons,
Smith,
Wade,
Walton,
Wombough—15.

Mr. Lott moved to amend section one, by empowering each county in the State to raise a company of mounted rangers.

Mr. Catlin moved to amend the amendment by excepting Sacramento county.

Which was lost.

The question was then taken on the motion to amend, and Messrs. Sprague, Lott and Lyons demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. De la Guerra,
Foster,
Gruwell,
Hubbs,
Hudspeth,

Messrs. Lott,
Lyons,
Roach,
Sprague,
Walkup—10.

NAYS.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
Estill,
Hager,
Keene,

Messrs. Lind,
Ralston,
Smith,
Wade,
Walton,
Wombough—13.

Mr. De la Guerra moved the adoption of an additional section:

"That the expedition shall not be called out until the Governor has official information that the said Joaquin is within the limits of the State."

On motion of Mr. Wombough, the word "official" was struck out.

The amendment was then lost by the following vote—the ayes and nays being demanded by Messrs. De la Guerra, Smith and Lott:

AYES.

Messrs. Baird, Catlin, Crabb, Estill, Hudspeth, Lott, Ralston, Roach, Sprague, Walkup—10.

NAYS.

Messrs. Coffroth, De la Guerra, Foster, Gruwell, Hager, Hubbs, Keene, Lind, Lyons, Smith, Wade, Walton, Wombough—13.

Mr. Wade moved that the bill be read a third time.

On which Messrs. Walton, Hager and Walkup demanded the ayes and nays with the following result:

AYES.

Messrs. Crabb, Coffroth, Estill, Gruwell, Hager, Hubbs, Hudspeth, Lind, Lyons, Smith, Wade, Wombough—12.

NAYS.

Messrs. Catlin, De la Guerra, Foster, Keene, Lott, Ralston, Roach, Sprague, Walkup, Walton—10.

There not being a two-thirds vote, the Senate refused to suspend the rules, and the bill was not read a third time.

On motion of Mr. Coffroth, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

SATURDAY, May 14, 1853.

Senate met pursuant to adjournment.

Hon. B. F. Keene, President, *pro tem.*, in the chair.

Prayer by the Rev. Mr. Woodbridge.

The Journal of Friday was read and approved.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred a bill for the relief of John W. Jackson, reported the same back with a substitute, and recommended its adoption.

The report was accepted and laid upon the table.

Mr. Foster, Chairman of the Commitee on Public Printing, reported back Assembly bill for "An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California," and recommended its passage, with amendments.

The report was accepted, and laid upon the table.

Mr. Hubbs, Chairman of the Committee on Finance, reported back Senate bill for "An Act to Fund the Debt of the City of San Francisco," and recommended its reference to the Senators from San Francisco, and that the Committee be discharged from its further consideration.

The report was concurred in.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred the petition of Luther Wright, former Sheriff of the Sonoma District, praying relief for services rendered guarding and transporting prisoners, reported the same back, and recommended that the petitioner have the relief prayed for, from the first money set aside from the Civil Fund due the State of California.

The report was accepted, and laid upon the table.

Mr. Ralston, Chairman of the Judiciary Committee, reported back Senate bill for "An Act to provide for reclaiming a portion of the overflowed lands of this State," and recommended its passage, with amendments.

The report was accepted, and laid upon the table.

Mr. Wade, Chairman of the Committee on Military Affairs, reported back Assembly bill for "An Act to abolish the office of Quartermaster General, and to provide for the performance of the duties thereof," and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, reported back the appointments of His Excellency the Governor, of Pilots for the Port of Benicia, and recommended their confirmation.

The report was accepted.

Mr. Lott offered the following resolution:

Resolved, That the Senate advise and consent to the nominations of

the Governor, of H. Harrison, J. Une, Daniel Galloway and Frederick Schanders, as Pilots for the Port and Harbor of Benicia.

Which was adopted by ayes and nays as follows:

AYES.

Messrs. Baird, Catlin, Coffroth, De la Guerra, Estill, Foster, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, Ralston, Roach, Smith, Snyder, Sprague, Wade, Walkup, Wombough, Williams—21.

NAYS—none.

Mr. Wade moved to take from the table "An Act for the relief of John W. Jackson."

Which was agreed to.

The substitute of like title was adopted, the bill read a third time and passed.

Mr. Catlin, Chairman of the Select Committee, to whom was referred Senate bill for "An Act supplementary to an Act concerning Crimes and Punishments," passed April 16th, 1850, reported the bill back with amendments.

The report was accepted, when

Mr. Catlin moved that the Senate concur in the amendments.

On which Messrs. Sprague, Hubbs and Kurtz, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Crabb, Estill, Hager, Keene, Kurtz, Lott, Smith, Snyder, Sprague, Wade, Walkup, Wombough—13.

NAYS.

Mr. Foster, Mr. Hubbs—2.

So the amendments were concurred in.

On motion of Mr. Sprague, the bill was ordered engrossed.

Mr. Estill moved to reconsider the vote ordering the bill to be engrossed.

Which was agreed to.

Mr. Catlin moved an amendment to section eight.

Which was adopted.

On motion of Mr. Smith, the bill was ordered engrossed.

Mr. Hubbs moved to take from the table a bill for "An Act in relation to resistance of payment of Revenue due the State."

Which was agreed to.

The bill was read a first and second time, when,

On motion of Mr. Hubbs, the rules were suspended, the bill considered engrossed, read a third time, and on the question of its passage,

Messrs. Baird, Hubbs and Smith, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Coffroth, Estill, Foster, Hubbs, Keene, Kurtz, Lind, Lott, Lyons, Roach, Smith, Snyder, Sprague, Wade, Walton, Wombough—17.

NAYS.

Mr. Baird, Mr. Hager—2.

So the bill was passed.

Mr. Smith, from the select committee to whom was referred Assembly bill for "An Act to Fund the Debt of the County of Sutter, and to provide for the payment thereof," reported it back to the Senate and recommended its passage.

The bill was read a third time, and passed.

Mr. Hubbs moved to take from the table Assembly bill for "An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California."

Which was agreed to.

Mr. Lyons in the chair.

On motion of Mr. Hubbs, the amendments proposed by the committee were concurred in.

The bill was then read a third time, when

Mr. Coffroth moved to lay it upon the table.

Not agreed to.

On the question "Shall the bill pass?"

Messrs. Baird, Coffroth and Hager, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Foster,	Sprague,
Hubbs,	Wade,
Keene,	Walkup,
Lott,	Walton,
Lyons,	Wombough—12.

NAYS.

Messrs. Baird,	Messrs. Hager,
Coffroth,	Snyder—5.
De la Guerra,	

So the bill was passed.

Mr. Smith, from the Committee on the Judiciary, to whom was referred Senate bill for "An Act to fix the time for holding the Terms of the District Courts throughout this State," reported the same back, and recommended its passage.

The report was accepted, and laid on the table.

Mr. Lott moved to reconsider the vote by which Assembly bill for "An Act to authorize the raising of a Company of Rangers," was ordered to a third reading.

On which Messrs. Hubbs, De la Guerra and Wade, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Crabb,	Lyons,
De la Guerra,	Snyder,
Hager,	Sprague,
Keene,	Walkup,
Lind,	Wombough—12.

NAYS.

Messrs. Coffroth,	Messrs. Smith,
Foster,	Wade—5.
Hubbs,	

So the vote was reconsidered.

Mr. Lott moved to recommit the bill to the Committee on Military Affairs.

Mr. Wombough moved a call of the Senate.

Which was sustained, and Messrs. Baird, Gruwell, Hudspeth, McKibben, Walton and Williams, were absent.

Mr. Wade moved that further proceedings under the call be suspended.

Which was agreed.

The question recurring on the motion to recommit the bill, it was not agreed to.

Mr. De la Guerra moved an amendment to section one, and also to section two.

Which were adopted.

Mr. Sprague moved a call of the Senate.

Not agreed to.

Mr. Coffroth moved to further amend by striking out the word "four" in the second section and inserting "three."

Which was not agreed to.

Mr. Smith moved the bill be read a third time, which was carried, and the bill read a third time.

Mr. Sprague moved a call of the Senate.

On which Messrs. Sprague, Wombough and Lott demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Crabb,	Ralston,
Foster,	Snyder,
Gruwell,	Sprague,
Lind,	Walkup—11.
Lott,	

NAYS.

Messrs. Coffroth,	Messrs. Kurtz,
De la Guerra,	Smith,
Estill,	Wade,
Hager,	Walton,
Hubbs,	Wombough,
Keene,	Williams—12.

So the call was not ordered.

The question was then taken on the passage of the bill.

On which Messrs. Coffroth, De la Guerra and Sprague demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Lyons,
Coffroth,	Roach,
De la Guerra,	Smith,
Estill,	Wade,

Messrs. Gruwell, Hubbs, Kurtz, Lind, Messrs. Walkup, Wombough, Williams—15.

NAYS.

Messrs. Catlin, Foster, Hudspeth, Keene, Lott, Messrs. Ralston, Snyder, Sprague, Walton—9.

So the bill was passed.

Mr. Walkup gave notice that on Monday next he would move a reconsideration of the vote just taken.

Mr. Smith moved that the vote be reconsidered now.

Mr. Sprague moved to indefinitely postpone the vote to reconsider.

On which Messrs. Smith, Coffroth and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Hudspeth, Keene, Lott, Messrs. Lyons, Sprague, Walkup, Walton—8.

NAYS.

Messrs. Crabb, Coffroth, De la Guerra, Estill, Foster, Gruwell, Hager, Hubbs, Messrs. Kurtz, Lind, Roach, Smith, Snyder, Wade, Wombough, Williams—16.

So the Senate refused to indefinitely postpone the motion.

The qestion recurring on the motion to reconsider, it was not agreed to.

On motion of Mr. Williams, Senate bill for "An Act to authorize J. F. Wendall and others to build a wharf in Crescent City, in the county of Klamath," was taken from the table, and the amendments were concurred in.

Mr. Williams moved to suspend the rules.

Which was agreed to.

And the bill was considered engrossed and read a third time, and on the question of its passage,

Messrs. Coffroth, Smith and De la Guerra demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Estill,	Snyder,
Foster,	Sprague,
Hubbs,	Williams—9.
Keene,	

NAYS.

Messrs. Coffroth,	Messrs. Lind,
De la Guerra,	Lyons,
Kurtz,	Walkup—6.

So the bill was passed.

Senate Joint Resolution in relation to the United States Land Commissioners in California was taken up, read a second time and laid on the table.

Mr. Keene, Chairman of the Committee on State Hospitals, to whom was referred Senate bill for "An Act to establish an Asylum for the Insane of the State of California," with the Assembly amendments, reported the same back to the Senate, and asked that a committee of free conference be appointed, and that the Assembly be requested to appoint a corresponding committee.

Which was agreed to, and Messrs Keene, Lind and Gruwell were appointed said committee on the part of the Senate.

Mr. Estill, Chairman of the select committee to whom was referred Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State," reported the bill back, with amendments.

The report was accepted and the bill taken under consideration.

Mr. Estill moved that the bill be recommitted to the select committee, with instructions to report the same back at seven and a half o'clock in the evening, and that it be made the special order for that time.

Which was agreed to.

Mr. Lott, Chairman of the Committee on Claims, to whom was referred the claim of Luther Wright, reported a Joint Resolution recommending that Luther Wright be paid the sum of nine hundred and sixty-six and eighty one hundredth dollars, for services rendered, out of the reserved part of the Civil Fund, as set forth in section eight of the Funding Act of 1852, approved May 1.

Which was read a first and second time, and on motion of Mr. Lott, the rules were suspended, the resolution read a third time and passed.

Mr. Estill, from a majority of the Committee on Military Affairs, to whom was referred a bill for "An Act to abolish the office of Quartermaster General in this State, and to provide for the performance of the

duties thereof," reported the same back, and recommended its indefinite postponement.

The report was accepted, and laid on the table.

On motion of Mr. Wombough, the Senate took a recess until 7½ o'clock, P. M.

EVENING SESSION.

Senate re-assembled at 7½, P. M.

On motion of Mr. Hubbs, Mr. Lyons was called to the chair.

On motion of Mr. Coffroth, it was

Resolved, That Richard F. Langdon be allowed compensation for services from the 13th March to the 5th April, inclusive, as clerk of the Special Committee to whom was referred bills in relation to a Convention to revise the Constitution, and amendments to the Constitution.

Mr. Walkup, from the Committee on Engrossed Bills, reported as correctly engrossed "A bill for an Act in relation to Joint Tenancies and Tenancies in Common."

The report was adopted.

On motion of Mr. Smith, Senate bill for "An Act to fix the times for holding the terms of the District Courts throughout this State," was taken up, the amendments of the Committee were concurred in, when

On motion of Mr. Smith, the rules were suspended, the bill considered engrossed, read a third time and passed.

Senate bill for "An Act to prescribe the manner of applying for Pardons," was taken under consideration.

The substitute of like title reported by the Committee was adopted, further amended, considered engrossed, read a third time and passed.

Mr. Smith, Chairman of the conference committee on the disagreeing vote of the two Houses, on Senate bill for an Act revising and amending the "Act concerning the Courts of Justice of this State, and Judicial Officers," submitted a report, which was, on motion of Mr. Smith, concurred in.

Mr. Sprague, from the Committee on the Judiciary, to whom was referred Senate bill for "An Act to drain the Swamp and Tule Lands of Yolo county," reported the same back without amendment, and recommended its passage.

Mr. Wombough moved that the Senate proceed to consider the bill.

Which was agreed to.

A message was received informing the Senate that the Assembly on yesterday passed Assembly Joint Resolution, instructing our Senators and

Representatives in Congress, in relation to an Act of Congress, to settle Private Land Claims in California;

And refused to pass Senate Joint Resolution in relation to Grants of Land by the General Government in Utah Territory;

Also, Senate Joint Resolution in relation to claims against the General Government for supplies to Indian Agents.

And this day concurred in the report of the committee of conference, on the disagreeing vote of the two Houses on Senate bill for "An Act revising and amending an Act concerning Courts of Justice of this State, and Judicial officers,"

And concurred in Senate amendments to Assembly bill for "An Act to authorize the raising of a Company of Rangers;"

And passed Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings;"

Also, passed Assembly bill for "An Act to regulate the election of Trustees and other officers, for the town of Oakland;"

And also, Senate bill for "An Act amendatory and explanatory of an Act for the relief of Wm. Waldo, approved May, 1853;"

And also, "An Act for the relief of Charles E. Pickett, approved May, 1853;"

Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings;" was read a first and second time.

On motion of Mr. Coffroth, it was referred to the Committee on Claims.

Assembly Joint Resolution, instructing our Senators and Representatives in Congress, in relation to "An Act of Congress to settle Private Land Claims in California;" was read a first and second time.

On motion of Mr. Wade, it was referred to the Committee on Federal Relations.

Assembly bill for "An Act to regulate the election of Trustees and other town officers for the town of Oakland;" was read a first and second time.

On motion of Mr. Estill, the bill was referred to a select committee of three.

Messrs. Estill, Kurtz, and Walkup, were appointed said committee.

Mr. Estill, Chairman of the select committee to whom was referred substitute for Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State," reported the same back, with amendments.

The report was accepted, and the amendments concurred in.

On motion of Mr. Smith, the bill was laid on the table.

Mr. Hager, from the Judiciary Committee, to whom was referred Assembly bill for "An Act securing to Mechanics and others, a lien for work done and material furnished," reported the same back, for the consideration of the Senate.

The bill was taken under consideration.

Mr. Sprague moved its indefinite postponement.

On which, Messrs. Sprague, Williams, and Crabb, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, De la Guerra, Hager, Hubbs, Lind, Smith, Sprague, Walkup, Walton—9.

NAYS.

Messrs. Crabb, Coffroth, Estill, Lyons, Wombough, Williams—6.

So the bill was indefinitely postponed.

Assembly bill for "An Act to amend an Act entitled an Act for the protection of Game," was taken from the table.

Mr. Wombough moved to lay the bill upon the table.

Not agreed to.

The amendments proposed by the Committee, were concurred in, on motion of Mr. Coffroth, and, the bill was read a third time and passed.

Mr. Walton, from the select committee to whom was referred a bill for the relief of John Brown, reported the same back to the Senate.

On motion of Mr. Smith, the rules were suspended, the bill considered engrossed, read a third time, and on its passage,

Messrs. Hager, Hubbs and De la Guerra, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin, Crabb, Smith, Sprague, Wade, Walton, Wombough—7.

NAYS.

Messrs. Coffroth, De la Guerra, Foster, Hager, Hubbs, Lyons, Roach, Williams—8.

So the Senate refused to pass the bill.

Mr. Hager, Chairman of the Committee on Corporations, to whom was referred a bill for "An Act to authorize the formation of Corporations for the construction of Plank or Turnpike Roads," reported the same back, and recommended its passage.

The report was accepted, and laid upon the table.

Mr. Hager, Chairman of the Committee on Corporations, to whom was referred a bill for "An Act to authorize the construction of a Wagon Road from Weaverville, in the county of Trinity, to the Free Bridge House, on Clear Creek, in the county of Shasta," reported the same back for the consideration of the Senate.

The report was accepted, and the bill laid on the table.

Mr. Hager, Chairman of the Committee on Corporations, to whom was referred a bill for "An Act to authorize Alvin Moltroup, and John Croston, to collect tolls on a bridge across Trinity river, in Trinity county;" reported the same back for the consideration of the Senate.

Report accepted, and bill laid upon the table.

On motion of Mr. Hubbs, the vote by which Senate bill for the relief of John Brown was rejected, was reconsidered.

Mr. Sprague moved to adjourn.

Not agreed to.

On motion of Mr. Walton, the Senate adjourned until Monday next, at 10 o'clock, A. M.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

MONDAY, May 16, 1853.

Senate met pursuant to adjournment.

On motion of Mr. Walton, Mr. Lyons took the chair.

Prayer by Rev. Mr. Woodbridge.

On motion of Mr. Walton, the reading of the Journal of Saturday was temporarily suspended, in order to receive

A message, informing the Senate that the Assembly passed, on the 14th instant, with amendments, Senate bill for "An Act to provide revenue for the support of the Government of this State."

And adopted Senate Concurrent Resolution in relation to European Colonization on the continent of America.

Mr. Walton moved that a committee of free conference be appointed on Senate bill for "An Act to provide revenue for the support of the Government of this State," with the Assembly amendments thereto.

Which was agreed to; and the Chair announced as the committe, Messrs. Walton, Smith and Hubbs.

On motion of Mr. Lind, Mr. Sprague was appointed in the place of Mr. Gruwell, absent, on the committee of conference on the Insane Asylum bill.

The Journal of Saturday was read and approved.

Mr. Sprague, acting Chairman of the Judiciary Committee, to whom was referred Assembly bill for "An Act prescribing the time at which county and township officers shall enter upon the duties of their offices," with instructions to report a substitute applicable to officers hereafter elected, reported the same back with a substitute for the consideration of the Senate.

The report was accepted and laid upon the table.

Mr. Catlin, from the Committee on Claims, reported back, verbally, Assembly bill for "An Act to authorize the State Treasurer to issue a duplicate land warrant to S. C. Hastings," with a recommendation that it be passed.

On motion of Mr. Catlin, the Senate proceeded to the consideration of the bill.

On motion of Mr. Hubbs, the bill was read a third time and passed.

Mr. Estill, chairman of the select committee to whom was referred Assembly bill for "An Act to regulate the election of trustees and other town officers for the town of Oakland," with instructions to report on Monday, 16th instant, asked further time for the committee to report.

Which was granted.

Mr. Walkup, Chairman of the Committee on Roads and Highways, to whom was referred Assembly bill for "An Act to amend an Act to authorize the construction of a wagon road from Humboldt bay to the Sacramento valley;"

Also the petition of Zachariah Jones, praying the Legislature to grant him the privilege of constructing a Turnpike Road from San Jose to Santa Cruz, reported them back, with the opinion that the passage of an Act to authorize the formation of companies for the construction of wagon roads, renders further action on the bill and petition unnecessary. The Committee asked to be discharged from the further consideration of the subject.

The report was accepted and laid on the table.

Mr. De la Guerra, from the Committee on Mission and Mission Lands, to whom was referred Senate bill for "An Act concerning Judges of the Plains, and defining their duties."

And also Assembly bill for "An Act to amend an Act concerning Judges of the Plains and to define their duties," reported the same back, and recommended their indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Walkup, from the Committee on Engrossed Bills, reported as correctly engrossed,

"An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent city in the county of Klamath."

The report was adopted.

Mr. Williams, on leave, introduced a bill for "An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12th, 1850;"

Which was read a first and second time.

On motion of Mr. Williams, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Lind introduced the following resolution:

Resolved, That the Chairmen of the Committees on Enrolled and Engrossed Bills be authorized to employ such additional clerks as may be necessary to expedite the Enrolling and Engrossing of Senate bills.

The resolution was adopted.

Mr. Hager, from the San Francisco delegation, to whom was referred Assembly bill for an Act to abolish the offices of Commissioners of the Funded Debt of San Francisco, reported the same back for the consideration of the Senate, with a substitute for the entire bill.

The report was accepted and laid upon the table.

On motion of Mr. Wade, Senate bill for the relief of John Brown, was taken from the table.

The question was taken on the passage of the bill, and the ayes and nays were demanded by Messrs. Walton, Wombough and Wade, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Crabb,	Wade,
Coffroth,	Walton,
De la Guerra,	Wombough,
Lyons,	Williams—10.

NAYS.

Messrs. Hager,	Messrs. Roach,
Hubbs,	Snyder,
Lind,	Sprague—6.

So the bill was passed.

On motion of Mr. Wombough, Senate bill for "An Act to drain the Swamp and Tule lands of Yolo county," was taken from the table and made the special order for one o'clock, P. M.

On motion of Mr. Walton, Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State," was taken up.

Mr. Walton moved the adoption of the amendments reported by the select committee.

Which was agreed to.

Mr. Catlin moved an amendment to the Ninth Senatorial District, by striking out the word "two," and inserting the word "three."

On motion of Mr. Catlin, a call of the Senate was ordered, and Messrs. Hudspeth, Keene, Kurtz, McKibben and Williams were absent.

Mr. Wombough asked leave of absence for Mr. Hudspeth, which was granted.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Walton, further proceedings under the call were suspended.

The question recurring on Mr. Catlin's motion to strike out and insert, Messrs. Smith, Sprague and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Smith,
Crabb,	Wombough—6.

NAYS.

Messrs. Coffroth,	Messrs. Roach,
Foster,	Snyder,
Hager,	Sprague,
Hubbs,	Wade,
Lind,	Walkup,
Lyons,	Walton—12.

So the amendment was lost.

Mr. Hubbs moved to amend the Seventh Senatorial District, by striking out the word "two." and insert "three."

On which Messrs. Hubbs, Coffroth and Walton demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Hubbs,
Crabb,	Wombough—4.

NAYS.

Messrs. Baird,	Messrs. Roach,
Coffroth,	Smith,
Estill,	Snyder,
Foster,	Sprague,
Hager,	Walkup,
Lind,	Walton,
Lyons,	Williams—14.

So the Senate refused to adopt the amendment.

Mr. Hubbs moved to recommit the bill with instructions to remodel it so as to provide for twenty Senators, and fifty members of Assembly.

Upon which Messrs. Crabb, Hubbs and Wade demanded the ayes and nays, when

Mr. Wombough moved to amend by inserting twenty-five Senators.
Which was lost.
The question was then taken on the motion to recommit, with the following result:

AYES.

Messrs. Catlin, Hager, Hubbs, Kurtz, Wombough—5.

NAYS.

Messrs. Baird, Crabb, Coffroth, Estill, Foster, Lind, Lyons, Roach, Snyder, Sprague, Wade, Walkup, Walton—13.

So the Senate refused to recommit the bill.

Mr. Coffroth moved to strike out in Seventh Senatorial District the word "also."
Which was agreed to.
Mr. Crabb moved to strike the words "and Contra Costa" in eighth Senatorial District.
On which Messrs. Crabb, Hubbs and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Hubbs, Kurtz, Smith, Wombough—7.

NAYS.

Messrs. Coffroth, Estill, Foster, Hager, Lind, Lyons, Roach, Snyder, Sprague, Walkup, Walton—11.

So the motion was lost.

Mr. Smith moved to strike out the word "Alameda" in the Fourth Senatorial District.

Upon which Messrs. Crabb, Baird and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Kurtz,
Catlin,	Smith,
Crabb,	Wombough—6.

NAYS.

Messrs. Coffroth,	Messrs. Roach,
Estill,	Snyder,
Foster,	Sprague,
Hager,	Walkup,
Lind,	Walton—11.
Lyons,	

So the Senate refused to strike out.

Mr. Coffroth moved to amend the Fifteenth Senatorial District, by striking out the word "three" and inserting "two."

On which Messrs. Coffroth, Kurtz and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Coffroth,
Catlin,	Hager,
Crabb,	Wombough—6.

NAYS.

Messrs. Estill,	Messrs. Smith,
Foster,	Snyder,
Kurtz,	Sprague,
Lind,	Walkup,
Lyons,	Walton,
Roach,	Williams—12.

So the Senate refused to adopt the amendment.

Mr. Hager moved to strike out in the Fifth Senatorial District the word "four and insert five."

On which Messrs. Hager, Crabb and Catlin demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Crabb,
Hager,
Kurtz,
Snyder—5.

NAYS.

Messrs. Catlin,
Coffroth,
Estill,
Foster,
Lind,
Lyons,
Roach,
Smith,
Sprague,
Wade,
Walkup,
Walton,
Wombough—13.

So the Senate refused to adopt the amendment.

Mr. Crabb moved to strike out the word "two" in the Seventeenth Senatorial District, and insert "one."

On which Messrs. Catlin, Crabb and Coffroth demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,
Crabb,
Coffroth,
Kurtz—4.

NAYS.

Messrs. Baird,
Estill,
Foster,
Hager,
Lind,
Lyons,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walkup,
Walton,
Wombough—14.

So the amendment was lost.

Mr. Hager moved to strike out the word "four," and insert "three," in the Eighteenth Senatorial District.

On which Messrs. Hager, Walton and Walkup demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Hager,
Kurtz,
Smith—6.

NAYS.

Messrs. Coffroth, Estill, Foster, Lind, Lyons, Roach, Snyder, Sprague, Wade, Walkup, Walton, Wombough—12.

So the motion was lost.

Mr. Sprague moved that the bill be read a third time.
Mr. Crabb moved a call of the Senate.

On which Messrs. Crabb, Catlin and Smith, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Hager, Kurtz, Smith, Snyder, Wade—8.

NAYS.

Messrs. Coffroth, De la Guerra, Estill, Foster, Lind, Lyons, Roach, Sprague, Walkup, Walton, Wombough—11.

So the Senate refused to sustain the motion for a call.

The question recurring on Mr. Sprague's motion to read the bill a third time, Messrs. Walton, Smith and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Estill, Foster, Kurtz, Lind, Lyons, Roach, Snyder, Sprague, Wade, Walkup, Walton, Wombough—14.

NAYS.

Messrs. Baird, Messrs. Hager,
Catlin, Smith—5.
Crabb,

The bill was read a third time; and on its passage, Messrs. Crabb, Coffroth and Smith demanded the ayes and nays with the following result:

AYES.

Messrs. Coffroth, Messrs. Roach,
De la Guerra, Snyder,
Estill, Sprague,
Foster, Wade,
Kurtz, Walkup,
Lind, Walton,
Lyons, Wombough—14.

NAYS.

Messrs. Baird, Messrs. Hager,
Catlin, Smith—5.
Crabb,

And so the bill was passed.

A message was received, informing the Senate that the Assembly this day passed Senate bill for "An Act for the permanent location of the Seat of Government of the State of California."

And this day appointed Messrs. Leake, Herbert and McMeans as a committee of free conference on Senate bill for "An Act to establish an Asylum for the Insane of the State of California," and the Assembly amendments thereto;

And have appointed Messrs. Hoff, Bell and Canney as a committee of free conference on Senate bill for "An Act to provide revenue for the support of the Government of this State."

And passed Senate bill for "An Act in relation to resistance of payment of the revenue due the State."

A message was received, informing the Senate that the Assembly this day passed, with amendments, Senate bill for "An Act entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools," approved May 3d, 1852."

On motion of Mr. Roach, the bill was laid on the table.

A message was received, informing the Senate that the Assembly this day passed Senate bill for "An Act supplementary to an Act to Fund the Indebtedness of the State which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. bonds," approved May 1st, 1852.

And refused to pass Senate bill for "An Act to amend an Act entitled

an Act prescribing the mode of assessing and collecting Public Revenue," passed May 1st, 1851.

And passed Senate "Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean."

And refused to pass Senate bill for "An Act prohibiting certain violations of Sunday."

And passed Senate bill for "An Act to limit the compensation of the Board of Supervisors of the county of San Francisco."

And passed Assembly bill for "An Act to abolish the Board of Supervisors in the county of El Dorado."

Assembly bill for "An Act to abolish the Board of Supervisors in the county of El Dorado," was read a first and second time, and on motion of Mr. Lind, referred to the delegation from El Dorado.

A message was received, informing the Senate that the Assembly this day passed Assembly bill for "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons."

And passed Senate bill for "An Act to ratify and confirm an ordinance passed by the city of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street."

And passed Assembly bill for "An Act to regulate the Election of Municipal officers in the city of San Francisco, and the time of their taking office."

Also passed Assembly bill for "An Act explanatory of the thirty-ninth section of an Act entitled an Act concerning Sheriffs," passed April 29th, 1851.

Also, Assembly bill for "An Act to amend an Act relating to Corporations."

Assembly bill for "An Act to amend an Act relating to Corporations," was read a first and second time, and

On motion of Mr. Lind, referred to the Committee on Corporations.

Assembly bill for "An Act declaratory of the effect of the repeal of Criminal Laws," was read a first and second time, and

On motion of Mr. Coffroth, it was referred to the Committee on the Judiciary.

Assembly bill for "An Act explanatory of the 39th section of an Act entitled an Act concerning Sheriffs, passed April 29th, 1851," was read a first and second time, and

On motion of Mr. Lind, referred to the Committee on Finance.

Assembly bill for "An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons," was read a first and second time, and

On motion of Mr. Walkup, referred to the Judiciary Committee.

Mr. Lind, Chairman of the Joint Committee on Enrolled Bills, reported that they had this day presented to them for Enrollment, "An Act to fix the compensation of County Judges and Associate Justices of Courts of Sessions, and to repeal a like Act passed April 22d, 1850;" and that the engrossed bill, as passed by the Senate, has been lost, and the one presented with the accompanying enrolled bill, has been engrossed by the Senate Clerk of the Committee on Engrossment, from the original, with Senate

amendments agreed upon by the Joint Committee of Conference of the two Houses, as recorded upon the Journal.

The limited time of the Session remaining, precludes any other method of correcting the difficulty, and your committee submit the accompanying bill, enrolled as above stated, for the consideration of the Senate and Assembly, and recommend its adoption.

The report was concurred in.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled—

"An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed February 18, 1851."

Also "An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles county."

Also "An Act entitled an Act to prevent persons from enticing Seamen to desert."

Also "An Act supplementary to an Act entitled an Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento, and Colusi."

Also, "An Act to Fund the Debt of the county of Yolo, and provide for the payment thereof."

The report was adopted.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to provide for security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of this Act concerning Sheriffs," passed April 29th, 1851; also,

"An Act providing for the location of the County Seat of Colusi county;" also,

"An Act to authorize the raising of a Company of Rangers;" also,

"An Act declaratory of the effect of the repeal of Criminal Laws."

In first line of section two of first Act above mentioned, they have inserted between the words "their" and "expense," the word "own."

The report was concurred in.

Mr. Walkup, from the Committee on Engrossment, reported that they have examined the bill for "An Act supplementary to an Act to provide for the lien of mechanics and others," passed April 12th, 1850, and find it correctly engrossed.

The report was adopted.

Mr. Wade, Chairman of the Committee on Military Affairs, to whom was referred a bill for "An Act for the relief of E. J. Osborne," reported it back without amendment, and recommended its passage.

The report was accepted and laid upon the table.

Mr. Sprague asked leave to introduce a bill for "An Act to prohibit the issuing and execution of writs of mandamus against the officers of State in relation to the removal or location of the archives and officers of State."

Upon which the ayes and nays were called under a resolution requiring a two-thirds vote to introduce a bill after a certain day, with the following result:

AYES.

Messrs. Catlin, Crabb, De la Guerra, Estill, Foster, Hager, Hubbs, Lind, Lyons, Sprague, Walkup, Walton, Wombough—13.

NAYS.

Mr. Crabb, Mr. Wade—2.

So leave was granted.

The bill was read a first time.

Mr. Sprague moved a suspension of the rules, and that the bill be read a second time.

Mr. Crabb objected to the suspension of the rules and to the second reading of the bill.

The chair decided that the rules could not be suspended if any Senator objected.

Mr. Coffroth appealed from the decision of the chair.

Upon which Messrs. Crabb, Coffroth and Wombough demanded the ayes and nays with the following result:

AYES.

Messrs. Crabb, Hubbs, Roach, Wade—4.

NAYS.

Messrs. Coffroth, Estill, Hager, Kurtz, Lind, Snyder, Sprague, Walkup, Walton, Wombough—10.

So the decision of the chair was not sustained.

The rules were then suspended, and the bill read a second time.

On motion of Mr. Coffroth, it was referred to the Judiciary Committee, with instructions to report this evening.

Mr. Hubbs, by unanimous consent of the Senate, was allowed to record his vote in the negative on the passage of the bill for "An Act to apportion the Senatorial and Assembly Districts of this State."

Mr. Coffroth, from the Committee on Public Vice and Immorality, to whom was recommitted Assembly bill entitled "An Act to prohibit Gam-

ing," reported the bill back with amendments, agreeably to instructions.

The report was accepted; when,

Mr. Coffroth moved that the bill be made the special order for this evening.

Not agreed to.

On motion of Mr. Crabb, it was laid upon the table.

Mr. Wombough moved to take from the table "An Act to drain the Swamp and Tule lands of Yolo county."

Not agreed to.

On motion of Mr. Lind, the Senate took a recess until half-past seven o'clock.

EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Messrs. Hubbs and Catlin, from the committee of conference on the disagreeing vote of the two Houses on Senate bill for "An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 1st, 1853, submitted a report, recommending as the judgment of both committees, that the Senate amendment be amended by striking out "fifty," and inserting "twenty-five."

The report was concurred in.

Mr. Wombough moved to take from the table Senate bill for "An Act to drain the Swamp or Tule lands of Yolo county."

Which was agreed to; and the Senate, as in committee of the whole, proceeded to consider the bill; and having made sundry amendments thereto, reported it back.

On motion of Mr. Walton, the bill was laid temporarily upon the table.

A message was received informing the Senate that the Assembly this day passed Assembly bill for "An Act to provide for the measurement of Goods."

Also, "An Act to Fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same."

And passed Assembly bill for "An Act for the relief of John C. Cremony."

Also, "An Act to provide for the removal, in certain cases, of criminal prosecutions from the Courts of Sessions to the District Courts," and indefinitely postponed Senate Concurrent Resolution instructing the select committee to report a bill for the districting of the State.

And passed Assembly bill for "An Act in relation to the division of counties and the removal of County Seats."

Also "An Act for the relief of George T. Rigley."

And concurred in Senate Concurrent Resolution in relation to the deed

of the Mayor of the city of Benicia to the State of California of a certain lot of ground in the city of Benicia.

And refused to concur in Senate amendments to Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State;" and appointed a committee of seven as a committee of free conference, Messrs. Myres, Oliver, Redding of Yuba, Yeiser, Carpentier, Reading of Trinity, and Letcher, on the disagreeing vote of the two houses.

Mr. Walton moved that a committee of free conference be appointed on the disagreeing vote of the two Houses on Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State."

Which was agreed to; and the President announced as the committee on the part of the Senate, Messrs. Walton, Smith, Estill, Hager, Foster, Hubbs and Walkup.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act amendatory and explanatory of an Act for the relief of Wm. Waldo," approved; and also

"An Act for the relief of Charles E. Pickett," approved.

The report was adopted.

On motion of Mr. Walton, the Senate again, as in committee of the whole, proceeded to consider the bill for "An Act to drain the Swamp or Tule lands of Yolo county;" and having made further amendments to the same, the committee rose and reported it back, and the amendments were concurred in.

Mr. Wombough moved to amend the bill by adding three sections, as sections nine, ten and eleven.

Which was agreed to.

On motion of Mr. Snyder, the bill was further amended by adding two sections, as sections twelve and thirteen.

Mr. Coffroth moved to recommit the bill to the Judiciary Committee, with instructions to bring in a general bill upon the subject of reclaiming swamp and tule lands.

Mr. Hubbs in the chair.

On which Messrs. Wade, Wombough and Smith demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin,	Messrs. Hudspeth,
Coffroth,	Lind,
De la Guerra,	Lott,
Foster,	Roach—9.
Hager,	

NAYS.

Messrs. Crabb,	Messrs. Snyder,
Estill,	Sprague,
Hubbs,	Wade,
Keene,	Walkup,

Messrs. Ralston,
Smith,
Messrs. Wombough,
Williams—12.

Mr. Wombough moved that the bill be ordered engrossed for a third reading.

On which Messrs. Hager, Wombough and Coffroth demanded the ayes and nays with the following result:

AYES.

Messrs. Crabb,
Estill,
Hubbs,
Keene,
Lott,
Lyons,
Ralston,
Messrs. Smith,
Snyder,
Sprague,
Wade,
Walkup,
Wombough,
Williams—14.

NAYS.

Messrs. Catlin,
Coffroth,
De la Guerra,
Messrs. Foster,
Hager,
Hudspeth—6.

So the bill was ordered engrossed for a third reading.

Mr. Sprague, from the Judiciary Committee, reported back Senate bill for "An Act to prohibit the issuing and execution of writs of mandamus against the officers of State, in relation to the removal or location of the archives and officers of State," with amendments, and recommended its passage.

The report was accepted, the amendments concurred in; when Mr. Sprague moved to suspend the rules, and that the bill be considered engrossed and read a third time.

Which was agreed to.

The bill was then read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Crabb, Estill and Sprague, with the following result:

AYES.

Messrs. Coffroth,
Estill,
Foster,
Hager,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
Messrs. Ralston,
Roach,
Smith,
Snyder,
Sprague,
Walkup,
Walton,
Wombough,
Williams—18.

NAYS.

Messrs. Baird, Catlin, Crabb, Messrs. Hudspeth, Wade—5.

So the bill was passed.

Mr. Walton from the committee of free conference on the Revenue bill, and the Assembly amendments thereto, submitted a report which was concurred in.

Assembly bill for "An Act to provide for the measurement of Goods," was read a first time and laid over under the rule.

Assembly bill for "An Act for the relief of Geo. T. Rigley," was read twice and laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled, "An Act to Fund the Debt of Sutter County, and provide for the payment thereof."

Also "An Act to amend an Act entitled an Act for the protection of Game."

Also "An Act for the more effectual distribution of the Laws, Journals and Public Documents of the State of California."

The report was adopted.

Assembly bill for "An Act for the relief of John C. Cremony;" was read twice, and referred, on motion of Mr. Coffroth, to the Committee on Commerce and Navigation.

Assembly bill for "An Act in relation to Revision of Counties and the removal of County Seats;" was read twice, and referred to the Committee on Counties and County Boundaries.

Assembly bill for "An Act to provide for the removal in certain cases, of criminal prosecutions from the Courts of Sessions to the District Courts," was read twice, and referred, on motion of Mr. Lott, to the Committee on the Judiciary.

Assembly bill for "An Act to fund the Floating Debt of the county of Sacramento, and to provide for the payment of the same;" was read twice, and referred, on motion of Mr. Hager, to the Sacramento delegation.

A message was received, informing the Senate that the Assembly this day passed "An Act concerning the Salaries of Officers and Pay of Members of the Legislature."

The bill was read twice, and referred, on motion of Mr. Lott, to the Judiciary Committee.

On motion of Mr. Coffroth, the Committee were instructed to report to-morrow morning.

Mr. Coffroth moved to take from the table, "An Act amendatory of an Act to provide for the appointment of a Gauger for the Port of San Francisco."

On which, Messrs. Coffroth, Crabb, and Keene, demanded the ayes and nays, and the motion was lost, by the following vote:

AYES.

Messrs. Catlin, Crabb, Coffroth, De la Guerra, Foster, Hager, Hudspeth, Roach, Snyder, Wade—10.

NAYS.

Messrs. Estill, Hubbs, Keene, Lott, Ralston, Smith, Sprague, Walkup, Walton, Wombough, Williams—11.

Mr. Estill moved to take up a bill for "An Act authorizing the Treasurer of State to issue Bonds for the payment of the Volunteers, mustered into service under Col. John C. Hays."

Which was not agreed to.

Mr. Coffroth moved to take from the table, "An Act to prohibit Gaming."

On which, Messrs. Baird, Estill, and Coffroth, demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth, De la Guerra, Foster, Hubbs, Smith, Sprague, Wade, Walkup, Williams—9.

NAYS.

Messrs. Baird, Catlin, Crabb, Estill, Hager, Hudspeth, Keene, Lott, Roach, Snyder, Wombough—11.

So the motion was lost.

On motion of Mr. Sprague, Assembly bill for "An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices," was taken from the table.

Mr. Coffroth moved to amend the bill.

Mr. Walkup, on leave, reported as correctly engrossed, Senate bill for

"An Act to protect the Archives of the State, and prevent their removal from Benicia."

Report adopted.

Mr. Hager moved to adjourn.

On which, Messrs. Hager, Coffroth, and De la Guerra, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lyons,
Foster,	Sprague,
Hager,	Walkup,
Hubbs,	Williams—9.
Hudspeth,	

NAYS.

Messrs. Baird,	Messrs. Roach,
Crabb,	Smith,
Coffroth,	Snyder,
De la Guerra,	Wade—8.

So the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

TUESDAY, May 17, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Woodbridge.

The Journal of Monday was read and approved.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled—

"Concurrent Resolution in relation to European Colonization on the Continent of America;"

"Joint Resolution in relation to a Railroad from the Mississippi Valley to the Pacific Ocean;"

"An Act supplementary to an Act to Fund the Indebtedness of the State, which has accrued, or may accrue from April 29th, 1851, to December 31, 1852, inclusive, to provide for the payment of the three per cent. bonds," approved May 1st, 1852;"

"An Act to ratify and confirm an Ordinance passed by the City of San Francisco on the 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street;"

"An Act to limit the compensation of the Board of Supervisors of the County of San Francisco;"

"Concurrent Resolution in relation to the Deed of the Mayor of the City of Benicia to the State of California, of a certain lot of ground in the City of Benicia."

The report was adopted.

Mr. Lind, Chairman of the Joint Committee on Enrollment, reported that the Committee had this day presented to the Governor for his approval—

"An Act to authorize the raising of a Company of Rangers;"

"An Act declaratory of the effect of the repeal of Criminal Laws;"

"An Act to provide for security to be given by County Officers acting under appointments, and to amend the fifty-fifth section of the Act concerning Sheriffs," passed April 29th, 1851;

"An Act providing for the location of the County Seat of Colusi County;"

"An Act to amend an act entitled an Act declaring certain Rivers and Creeks navigable," passed February 18th, 1851;

"An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles County;"

An act entitled "An Act to prevent persons from enticing Seamen to desert;"

"An Act supplementary to an Act entitled an Act to abolish the Boards of Supervisors in the Counties of Calaveras, Sacramento and Colusi;"

"An Act to Fund the Debt of the County of Yolo, and provide for the payment thereof;"

"An Act to Fund the Debt of Sutter County, and provide for the payment thereof;"

"An Act to amend an Act entitled an Act for the protection of Game;"

"An Act for the more effectual distribution of the Laws, Journals, and Public Documents of the State of California;"

"An Act amendatory and explanatory of an Act for the relief of Wm. Waldo, approved, and also, an Act for the relief of Charles E. Pickett, approved;"

"An Act to limit the Hours of Labor;"

"An Act to prevent persons from obstructing the Channels of Humboldt Bay and Harbor;"

"An Act to fix the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22d, 1850."

The report was adopted.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, to whom was referred Assembly bill for "An Act for the relief of John C. Cremony," reported the same back, and recommended its passage.

The report was accepted, the bill read a third time, and passed.

Mr. Roach, Chairman of the Committee on Commerce and Navigation, to whom was referred the memorial of Wm. Glen and associates, reported the same back, and recommended that the prayer of the memorialists be not granted.

And reported also, against the passage of Assembly bill entitled "An Act for the better regulation of Pilots for the bar and harbor of Humboldt Bay."

The report was accepted, and laid on the table.

Mr. Hager, Chairman of the Committee on Corporations, to whom was referred Assembly bill for "An Act to amend an Act relating to Corporations," reported the same back for the consideration of the Senate.

The report was accepted, and laid on the table.

Mr. Walkup, from the Committee on Engrossed Bills, reported as correctly engrossed, a bill amendatory of "An Act concerning the Courts of Justice of this State, and Judicial Officers."

The report was adopted.

Mr. Walkup, from the Committee on Engrossed Bills, reported as correctly engrossed, "An Act supplementary to, and to amend an act entitled an Act concerning Crimes and Punishments," passed April 16th, 1850.

Also, "An Act to fix the times for holding the Terms of the District Courts throughout this State."

The report was adopted.

Mr. Coffroth, Chairman of the Committee on Federal Relations, to whom was referred Senate Joint Resolution and Assembly Joint Resolution in relation to the Civil Fund, reported the same back, and recommended the adoption of the Assembly resolution.

The Assembly Joint Resolution was read a third time and passed.

Mr. Coffroth, Chairman of the Committee on Federal Relations, to whom was referred "Assembly Joint Resolution in relation to the Land Commission in California," reported the same back, and recommended the adoption of the Senate Joint Resolution upon the same subject.

The report was accepted and laid upon the table.

Mr. Hubbs, Chairman of the Committee on Finance, to whom was referred Assembly bill for "An Act explanatory of the thirty-ninth section of an Act concerning Sheriffs," passed April 29th, 1851, reported the same back to the Senate.

The report was accepted, and laid upon the table.

Mr. Coffroth, Chairman of the Select Committee, to whom was referred Assembly amendments to Senate bill for "An Act to abolish the present State Hospitals," reported the same back, and recommended a concurrence with the House amendments.

The report was accepted.

Mr. Coffroth moved that the Senate concur in the Assembly amendments.

Mr. Baird moved to lay the bill upon the table.

Which was not agreed to.

The question recurring on the motion to concur,

Messrs. Baird, Wade and Ralston, demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lind,
Crabb,	Lott,
Coffroth,	Lyons,
De la Guerra,	Ralston,
Estill,	Roach,
Foster,	Smith,
Hager,	Sprague,
Hubbs,	Wade,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Williams—22.

NAYS.

Mr. Baird—1.

So the Senate concurred in the amendments.

Mr. Keene, Chairman of the committee of conference upon the disagreeing votes of the two Houses, on Senate bill for "An Act to establish an Asylum for the Insane of the State of California," reported as the agreement of the Joint Committee, that the Assembly recede from their amendment to the third section, by striking out all after the word "dollars," in the fourteenth line, to the word "Provided," in the nineteenth line; and that the Senate agree to the other amendments of the Assembly.

On motion of Mr. Crabb, the report was concurred in.

Mr. Walton, Chairman of the committee of conference on the disagreeing vote of the two Houses, upon Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State;" reported as the judgment of both commitees, that the Senate agree to amend section one, by adding after the words "three Senators," in the Fifteenth Senatorial District, the words "of whom two shall be elected by Yuba, and one by Yuba and Sutter county jointly."

On motion of Mr. Sprague, the report was concurred in.

Mr. Sprague, from the Judiciary Committee, to whom was referred Assembly bill for "An Act to amend an Act to regulate the settlement of the estates of deceased persons," reported the same back to the Senate, and recommended its indefinite postponement.

Also, reported back Senate bill for "An Act to authorize Alexander Young to construct a bridge across Clear Creek, in the county of Shasta;" with a statement that the Committee have not been able to comply with the special instructions of the Senate, and to agree upon the subject, and therefore ask to be discharged from the further consideration of the bill.

The report was accepted, and laid upon the table.

The question was then taken on concurring in the report of the com-

mitte of conference on the "Act to apportion the Senatorial and Assembly Districts of this State."

On which, Messrs. Hubbs, Crabb, and Kurtz, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Coffroth,	Roach,
De la Guerra,	Snyder,
Estill,	Sprague,
Foster,	Wade,
Hudspeth,	Walkup,
Keene,	Walton,
Kurtz,	Wombough—19.
Lind,	

NAYS.

Messrs. Crabb,	Messrs. Ralston,
Hubbs,	Williams—4.

So the report was concurred in.

Mr. Catlin, on behalf of the Sacramento delegation, to whom was referred Assembly bill for "An Act to Fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same," reported the bill back, and recommended its passage, with amendments.

The report was adopted, and the amendments concurred in.

And on motion of Mr. Catlin, the bill was read a third time, and passed.

A message was received from the Governor, informing the Senate that he had this day approved the following Acts, viz:

"An Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions, and to repeal a like Act, passed April 22, 1850;"

"An Act for the relief of Manuel Garfias, former Treasurer of Los Angeles county;"

"An Act supplementary to an Act entitled an Act to abolish the Board of Supervisors in the counties of Calaveras, Sacramento and Colusi, passed May 11, 1853;"

"An Act to amend an Act entitled an Act declaring certain Rivers and Creeks navigable, passed Feb. 18, 1851;"

"An Act to Fund the Debt of the county of Yolo, and to provide for the payment thereof;"

And "An Act entitled an Act to prevent persons from enticing Seamen to desert."

A message was received informing the Senate that the Assembly on yesterday indefinitely postponed Senate bill for "An Act for the relief of Wm. Niel Walton."

And passed with an amendment, Senate bill for "An Act concerning Sureties in Official Bonds."

Also, Senate bill for "An Act supplementary to an Act to provide for the Lien of Mechanics and others, passed April 12, 1850."

And passed Senate bill for "An Act for the relief of John Brown."

And postponed indefinitely, Senate bill for "An Act to authorize a Special Election in the county of Colusi."

And passed Assembly bill for "An Act to legalize certain Records of Deeds and other Instruments, in the county of Sacramento."

And postponed indefinitely, Senate bill for "An Act to legalize certain Records of Deeds in the county of Sacramento."

Also, postponed indefinitely, Senate bill for "An Act to amend an Act to provide for the protection of Foreigners, and to define their liabilities and privileges."

Also, postponed indefinitely, "An Act to abolish the Board of Supervisors of the county of Yolo."

And passed Assembly bill for "An Act to amend the third section of the Act entitled an Act to License Gaming, passed March 14, 1851."

Also, Assembly Joint Resolution, relative to Public Lands and Internal Improvements.

And postponed indefinitely, Senate bill for "An Act to amend an Act entitled an Act concerning Toll Bridges."

And passed Assembly bill for "An Act to repeal an Act entitled an Act in relation to actions wherein the State is a party, approved May 3d, 1852."

And postponed indefinitely, Senate bill for "An Act in relation to Water Companies."

And postponed indefinitely Senate bill for "An Act to amend an Act concerning Divorces, passed March 25, 1851."

And passed Assembly bill for "An Act concerning lawful fences, and animals trespassing on premises lawfully enclosed."

And passed Assembly bill for "An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour, passed May 3d, 1852."

A message was also received, informing the Senate that the Assembly this day passed "An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a Wharf at Crescent City, in the county of Klamath."

And on yesterday, concurred in the report of the committee of conference on Senate bill for "An Act to provide Revenue for the support of the Government of this State."

Also, concurred in the report of the committee of conference on Senate bill for "An Act to amend an Act to provide for the redemption of Comptroller's Warrants, drawn on the General Fund, passed April 1st, 1853."

And passed Senate bill for "An Act to amend the 14th section of an Act concerning the office of County Treasurer, passed March 27, 1850."

And concurred in the report of the committee of conference on Senate bill for "An Act to establish an Asylum for the Insane of the State of California."

And passed Assembly bill for "An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts."

Assembly bill for "An Act to legalize certain Records of Deeds and other instruments in the county of Sacramento," was read twice.

Mr. Ralston moved to suspend the rule, and the bill go to a third reading.

On motion of Mr. Estill, it was referred to the Judiciary Committee.

Assembly bill for "An Act amendatory of an Act to provide for the Inspection of Flour, passed May 3d, 1852;" was read a first time.

Objection being made to a second reading, the Chair decided that the bill must lay over under the rule, and could not go to a second reading, on the same day, if any Senator objected.

Mr. Estill appealed from this decision, and on the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

Messrs. Hubbs, Estill, and Coffroth, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lott,
Crabb,	Ralston,
De la Guerra,	Roach,
Foster,	Smith,
Hager,	Snyder,
Hudspeth	Wade—14.

NAYS.

Messrs. Coffroth,	Messrs. Sprague,
Estill,	Walkup,
Hubbs,	Walton,
Keene,	Wombough,
Kurtz,	Williams—10.

So the decision of the Chair was sustained.

Assembly Joint Resolution relative to Public Lands and Internal Improvements," was read twice, and on motion of Mr. Crabb, referred to the Committee on Federal Relations.

Assembly bill for an Act to repeal an Act entitled "An Act in relation to actions wherein the State is a party," approved May 3, 1852, was read twice, and on motion of Mr. Hager, referred to the Judiciary Committee.

Assembly bill for an Act to amend the third section of an Act entitled "An Act to license Gaming," passed March 14, 1851, was read twice, and on motion of Mr. Lott, referred to the Committee on Finance.

Assembly bill for "An Act requiring County Treasurers, Public Administrators and others, to settle their accounts," was read twice, and on motion of Mr. Coffroth, referred to the Committee on Finance.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor for his approval,

An Act supplementary to "An Act to fund the indebtedness of the State which has accrued or may accrue from April 27, 1851, to Decem-

ber 31, 1852, inclusive; and to provide for the payment of the three per cent. Bonds," approved May 1, 1852.

"An Act to ratify and confirm an Ordinance passed by the city of San Francisco on the seventh day of March, 1853, authorizing the building of a Plank Road along Folsom street in said city, from First street to Centre street."

"An Act to limit the compensation of the Board of Supervisors of the county of San Francisco"

And deposited with the Secretary of State Concurrent Resolution in relation to European colonization on the continent of America.

And Joint Resolution in relation to a Railroad from the Mississippi valley to the Pacific ocean.

And Concurrent Resolution in relation to the deed of the Mayor of the city of Benicia to the State of California of a certain lot of ground in the city of Benicia.

The report was adopted.

Assembly bill for "An Act concerning lawful fences, and animals trespassing on premises lawfully enclosed," was read twice, and on motion of Mr. Sprague, referred to the Committee on Agriculture.

On motion of Mr. Coffroth, a bill for an Act to be entitled an Act amendatory of and supplementary to "An Act to establish a system of Common Schools," approved May 3, 1852, was taken up, and the Senate refused to concur in the Assembly amendments to the bill.

Mr. Lyons, Chairman of the Committee on Engrossed Bills, reported as correctly engrossed "An Act to drain the Swamp and Tule Lands of Yolo county."

Report adopted.

Mr. Sprague, acting Chairman of the Judiciary Committee, to whom was referred Assembly bill for "An Act concerning the salaries of officers and pay of members of the Legislature," reported the same back with sundry amendments, and recommended its passage.

Also, Assembly bill for "An Act to provide for the removal, in certain cases, of criminal prosecutions from the Courts of Sessions to the District Courts," and recommended its indefinite postponement.

Also, Assembly bill for "An Act to legalize certain records of Deeds, and other instruments in the county of Sacramento," with an amendment, and recommended its passage.

The report was accepted and laid upon the table.

On motion of Mr. Wade, Assembly bill for an Act explanatory of the thirty-ninth section of an Act entitled "An Act concerning Sheriffs," passed April 29, 1851; was taken up.

Mr. Hager moved to lay the bill upon the table.

Not agreed to.

It was then read a third time, and on the question of its passage, Messrs. Hager, Foster and Kurtz demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Crabb,	Smith,

Messrs. Estill,
Foster,
Hubbs,
Hudspeth,
Messrs. Snyder,
Wade,
Wombough—11.

NAYS.

Messrs. Hager,
Kurtz,
Mr. Roach—3.

So the bill was passed.

Mr. Foster, by unanimous consent, introduced a bill for an Act additional to "An Act to provide for the compensation of County Judges, and of Associate Justices of the Court of Sessions, and to repeal a like Act passed April 20, 1853, and approved May 16, 1853.

Which was read twice, and on motion of Mr. Foster the rules were suspended, the bill read a third time and passed.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled "An Act in relation to the resistance of payment of Revenue due the State."

Also, "An Act for the permanent location of the Seat of Government of the State of California."

Also, an Act to amend "An Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 1, 1853.

The report was adopted.

On motion of Mr. Wombough a bill for "An Act to drain the Swamp and Tule Lands of Yolo county," was taken up and read a third time, and on the passage of the bill, Messrs. Wombough, Coffroth and Wade demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,
Crabb,
De la Guerra,
Estill,
Hubbs,
Hudspeth,
Keene,
Messrs. Ralston,
Smith,
Snyder,
Sprague,
Wade,
Wombough,
Williams—14.

NAYS.

Messrs. Catlin,
Coffroth,
Foster,
Hager,
Messrs. Lott,
Lyons,
Walkup—7.

So the bill was passed.

Mr. Ralston moved to take up Assembly bill for "An Act to provide for reclaiming a portion of the overflowed lands of this State."

On which Messrs. Ralston, Hubbs and Wombough demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Sprague,
Hubbs,	Wade,
Lyons,	Wombough—8.

NAYS.

Messrs. Catlin,	Messrs. Lind,
Estill,	Lott,
Foster,	Roach,
Hager,	Snyder,
Hudspeth,	Walkup—11.
Keene,	

So the motion was not agreed to.

Mr. Lind offered the following resolution:

Resolved, That the Committee on Public Expenditures be authorized to examine the books and accounts of the Comptroller and Treasurer of State, with power to send for persons and papers; and that they have time to complete said examination after the adjournment of the Legislature.

Mr. Hager offered the following as a substitute:

Resoved, By the Senate, Assembly concurring, that a committee of four, composed of two from the committees on Public Expenditures of each House, be appointed to examine the books of accounts of the Comptroller and Treasurer, with power to send for persons and papers; and that they have time to complete said examination after the adjournment of the Legislature, for the period of thirty days.

Upon which Messrs. Hager, Crabb and Keene demanded the ayes and nays; which was lost by the following vote:

AYES.

Messrs. Crabb,	Messrs. Lott,
De la Guerra,	Ralston,
Hager,	Wade—6.

NAYS.

Messrs. Baird,	Messrs. Lind,
Catlin,	Lyons,
Coffroth,	Roach,
Estill,	Snyder,
Foster,	Sprague,
Hubbs,	Walkup,
Hudspeth,	Wombough,
Keene,	Williams—16.

So the substitute was lost.

The question recurring on the adoption of the resolution, Messrs. Ralston, Foster and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs. Coffroth,	Messrs. Lott,
Estill,	Roach,
Foster,	Snyder,
Hubbs,	Sprague,
Hudspeth,	Walkup,
Keene,	Wombough,
Lind,	Williams—14.

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Ralston,
Crabb,	Wade—7.
De la Guerra,	

So the resolution was adopted.

Mr. Lott asked leave to introduce a bill for an Act to amend "An Act providing for the erection of a State Prison, and declaring null and void the existing State Prison contract," approved May 11, 1852.

And leave was granted by the following vote:

AYES.

Messrs. De la Guerra,	Messrs. Smith,
Estill,	Snyder,
Hubbs,	Wade,
Lind,	Walkup—9.
Lott,	

NAYS.

Messrs. Baird, Catlin, Coffroth, Messrs. Hager, Roach—5.

The bill was read twice, and on motion of Mr. Coffroth, it was amended by striking out the words "seven hundred and fifty," and inserting "one hundred and twenty five."

And on motion of Mr. Smith, the rules were suspended, the bill read a third time and passed.

A message was received informing the Senate that the Assembly this day concurred in the report of Mr. Walton, of the Senate, and Myres, of the Assembly, a portion of the committee of free conference on the disagreeing vote of the two Houses on Assembly bill for "An Act to apportion the Senatorial and Assembly Districts of this State."

A message was received informing the Senate that the Assembly this day concurred in Senate amendment to Assembly bill, for "An Act to Fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same."

And passed, yesterday, with amendments, Senate bill for "An Act to provide for the establishment of a State Marine Hospital at San Francisco," with title amended, by adding thereto the words, "and to provide for indigent sick in this State."

A message was received, informing the Senate that the Assembly this day refused to recede from their amendments to Senate bill, for "An Act to be entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a system of Common Schools," approved May 3, 1852.

And have appointed as a committee of conference, Messrs. Heydenfeldt, Tilghman, and Redding, of Yuba, on the disagreeing vote.

And passed Senate bill for "An Act to fix the times for holding the terms of the District Courts throughout this State."

And passed Assembly Concurrent Resolution in relation to the claim of Felix Argenti against the General Government.

Assembly Concurrent Resolution, in relation to the claim of Felix Argenti against the General Government, was considered and passed.

Mr. Coffroth moved that a committee of conference be appointed on the disagreeing vote of the two Houses on Senate bill for an Act amendatory of "An Act to establish a system of Common Schools," approved May 3, 1852.

Which was agreed to.

And the Chair appointed as the committee Messrs. Coffroth, Roach and Crabb.

On motion of Mr. Crabb, the Senate took a recess until half past seven o'clock.

EVENING SESSION.

MAY 17, 1853.

Senate re-assembled at 7½, P. M.

President in the chair.

Mr. Coffroth, Chairman of the Committee on Federal Relations, reported back verbally, Assembly "Joint Resolutions relative to Public Lands and Internal Improvements."

The report was accepted, the resolutions read a third time and passed.

Mr. Lott, Chairman of the Committee on Claims, reported back Assembly bill for "An Act for the relief of C. H. Veeder," and recommended its passage.

And also, the account of Wm. C. Byrne, $50, for services rendered the water-lot committee of investigation in San Francisco, and recommended that it be paid.

The report was adopted, the bill read a third time and passed, and the account ordered paid.

Senate bill for "An Act to provide for the establishment of a State Marine Hospital at San Francisco," amended by the Assembly, being the unfinished business, was taken under consideration.

The question was then taken on concurring in the Assembly amendments, and

Messrs. Smith, Coffroth and Crabb, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Roach,
Catlin,	Smith,
Crabb,	Snyder,
De la Guerra,	Wade,
Estill,	Williams—10.

NAYS.

Messrs. Coffroth,	Messrs. Lott,
Foster,	Lyons,
Hager,	Ralston,
Hubbs,	Sprague,
Hudspeth,	Walkup,
Keene,	Walton—13.
Lind,	

So the Senate refused to concur.

Mr. Keene moved that a committee of conference be appointed on the disagreeing vote of the two Houses.

Which was agreed to.

And the President announced as the committee, Messrs. Keene, Smith and Hager.

On motion of Mr. Crabb, the committee were instructed to report to-night.

A message was received from the Governor, informing the Senate that he had this day approved "An Act amendatory and explanatory of an Act for the relief of William Waldo, approved, and also, of an Act for the relief of Charles E. Pickett, approved."

A message was received from the Governor, informing the Senate that he had this day approved "An Act supplementary to an Act to Fund the Indebtedness of the State, which has accrued, or may accrue from April 29th, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. Bonds," approved May, 1852;

"An Act to limit the compensation of the Board of Supervisors of the County of San Francisco;"

And "An Act to ratify and confirm an Ordinance passed by the City of San Francisco, on 7th day of March, 1853, authorizing the building of a Plank Road along Folsom street, in said city, from First street to Centre street."

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to fix the times for holding the Terms of the District Courts throughout this State;"

Also, "An Act to establish an Asylum for the Insane of the State of California."

The report was adopted.

Mr. Walkup, from the Committee on Engrossed Bills, reported as correctly engrossed, "An Act prescribing the manner of applying for Pardons."

The report was adopted.

Mr. Hubbs gave notice that he would, on to-morrow, offer a concurrent resolution to rescind the resolution to adjourn on that day.

A message was received, informing the Senate that the Assembly this day passed Assembly bill for "An Act to secure to Settlers a Pre emption right to the overflowed and swamp lands in this State."

Assembly bill for "An Act to secure to Settlers a Pre-emption right to the overflowed and swamp lands of this State," was read twice, when the Senate, as in Committee of the Whole, considered the bill; and,

On motion of Mr. Crabb, the committee rose and reported it back.

Mr. Lind moved to lay the bill upon the table.

Which was agreed to.

Assembly amendment to Senate bill for "An Act concerning Sureties on Official Bonds," was concurred in.

Assembly bill for "An Act prescribing the time at which County and Township Officers shall enter upon the duties of their offices," was taken under consideration.

The substitute reported by the Judiciary Committee of a like title, was adopted, read a third time and passed.

Senate bill for "An Act supplementary to, and to amend, an Act concerning Crimes and Punishments," passed April 16th, 1850, was considered, read a third time, and on the question of its passage,

The ayes and nays were demanded by Messrs. Baird, De la Guerra and Walton, with the following result:

AYES.

Messrs. Catlin,	Messrs. Lott,
Coffroth,	Ralston,
Estill,	Roach,
Hubbs,	Sprague—9.
Hudspeth,	

NAYS.

Messrs. Baird,	Messrs. Snyder,
Crabb,	Wade,
De la Guerra,	Walkup,
Kurtz,	Walton—8.

So the bill was passed.

Mr. Ralston, Chairman of the Judiciary Committee, reported back verbally, for the consideration of the Senate. Assembly bill for "An Act requiring County Treasurers, Public Administrators, and others, to settle their accounts."

The report was accepted, the bill considered as in Committee of the Whole, amended, reported back, the amendments concurred in, the bill read a third time, and passed.

On motion of Mr. Coffroth, the title was amended by striking out the words "and others."

Mr. Lind, Chairman of the Committee on Enrollment, reported that the committee had this day presented to the Governor, for his approval—

"An Act to amend the Fourteenth Section of an Act concerning the office of County Treasurer," passed March 27, 1853;

"An Act supplementary to an Act to provide for the Lien of Mechanics, and others," passed April 12th, 1850;

"An Act for the relief of John Brown;"

"An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the County of Klamath;"

"An Act to establish an Asylum for the Insane of the State of California."

The report was adopted.

On motion of Mr. Ralston, Senate Joint Resolutions in relation to the U. S. Land Commissioners in California, were taken from the table, read a third time, and

On the question of their passage, the ayes and nays were demanded by Messrs. Roach, Ralston, and Sprague, with the following result:

AYES.

Messrs. Crabb,	Messrs. Ralston,
Coffroth,	Sprague,

Messrs. Hubbs,
Lyons,
Messrs. Wade,
Walkup—8.

NAYS.

Messrs. Baird,
De la Guerra,
Estill,
Foster,
Hudspeth,
Messrs. Kurtz,
Roach,
Snyder,
Walton—9.

So the resolutions were not passed.

Mr. Sprague moved to take from the table, Senate bill for "An Act to provide for reclaiming a portion of the overflowed lands of this State."

On which, Messrs. Sprague, Estill, and Williams, demanded the ayes and nays, with the following result:

AYES.

Messrs. Crabb,
Coffroth,
Lott,
Lyons,
Messrs. Ralston,
Sprague,
Wade—7.

NAYS.

Messrs. Baird,
De la Guerra,
Estill,
Foster,
Hudspeth,
Kurtz,
Messrs. Lind,
Roach,
Snyder,
Walkup,
Walton,
Williams—12.

So the motion was not agreed to.

On motion of Mr. Kurtz, the Assembly amendments to Senate bill for "An Act authorizing the Treasurer of the State of California, to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Maj. Fitzgerald, in the county of San Diego," were concurred in.

On motion of Mr. Sprague, Assembly bill for "An Act concerning the Salaries of Officers, and Pay of Members of the Legislature," was taken from the table.

Mr. Lott moved to consider the Senate amendments, separately.

The first and second amendments, were concurred in.

Mr. Crabb moved to lay the bill on the table.

Which was agreed to.

Mr. Keene submitted the following report:

Mr. President:

The Joint Committee of Free Conference, appointed to take into consideration the disagreeing vote of the Senate and Assembly, on the bill for "An Act to provide for the establishment of a State Marine Hospital, at San Francisco," having had the same under consideration, ask leave to report, that they have agreed to the amendments of the Assembly, and recommend that the Senate recede from their disagreeing vote, and that the amendments be adopted.

B. F. KEENE,
S. B. SMITH,
JOHN S. HAGER,
Senate Committee.

J. CONNESS,
C. S. FAIRFAX,
J. NEELY JOHNSON,
House Committee.

The question was then taken, on concurring in the report of the Committee.

Messrs. Hubbs and Keene demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Keene,
Catlin,	Kurtz,
Crabb,	Smith,
Coffroth,	Snyder,
De la Guerra,	Wade,
Estill,	Wombough—13.
Hager,	

NAYS.

Messrs. Foster,	Messrs. Ralston,
Hubbs,	Sprague,
Lind,	Walkup,
Lott,	Walton—9.
Lyons,	

So the report was concurred in.

On motion of Mr. Keene, the amendments to the bill were concurred in.

Mr. Coffroth in the Chair.

Mr. Estill, Chairman of the select committee on the Civil Fund, submitted a report, which was accepted. (See Appendix No. 73.)

On motion of Mr. Hubbs, Assembly bill for "An Act concerning the Salaries of Officers and Pay of Members of the Legislature," was taken from the table, and the bill so amended as to strike out all after the thirty seventh line in the first section.

Mr. Smith moved that $8,000, be struck out, and $10,000, inserted, as the salary of the Governor.

On which, Messrs. Smith, Hubbs, and Kurtz, demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Catlin, Keene, Kurtz, Smith, Wade, Williams—7.

NAYS.

Messrs. Coffroth, De la Guerra, Foster, Hager, Hubbs, Lott, Lyons, Ralston, Roach, Snyder, Sprague, Walkup, Wombough—13.

So the amendment was lost.

Mr. Smith moved to lay the bill on the table.

On which, Messrs. Sprague, Smith, and De la Guerra, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Catlin, Foster, Keene, Kurtz, Lott, Lyons, Smith, Snyder, Wade, Williams—10.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Hager, Hubbs, Ralston, Roach, Sprague, Walkup, Wombough—12.

Mr. Smith moved the indefinite postponement of the bill.

On which Messrs. Sprague, De la Guerra and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. Catlin,	Messrs. Smith,
Keene,	Snyder,
Kurtz,	Wade,
Lott,	Williams—8.

NAYS.

Messrs. Baird,	Messrs. Hubbs,
Crabb,	Lyons,
Coffroth,	Ralston,
De la Guerra,	Roach,
Estill,	Sprague,
Foster,	Walkup,
Hager,	Wombough—14.

So the motion to postpone was lost.

On the question "Shall the bill be now read a third time?"

Messrs. Sprague, De la Guerra and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Hubbs,
Crabb,	Keene,
Coffroth,	Roach,
De la Guerra,	Sprague,
Estill,	Walkup—11.
Hager,	

NAYS.

Messrs. Catlin,	Messrs. Snyder,
Foster,	Wade,
Lott,	Wombough,
Lyons,	Williams—9.
Smith,	

So the bill was ordered to a third reading.

The bill was read a third time, and on its passage Messrs. Sprague, De la Guerra and Baird demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Hager, Hubbs, Ralston, Roach, Sprague, Walkup—11.

NAYS.

Messrs. Catlin, Foster, Keene, Lott, Lyons, Smith, Snyder, Wade, Walton, Wombough, Williams—11.

So the bill was lost.

A message was received from the Governor, informing the Senate that he had this day approved the following Acts:

"An Act for the relief of John Brown."

"An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a wharf at Crescent City, in the county of Klamath."

An Act to amend the fourteenth section of "An Act concerning the office of County Treasurer," passed March 27, 1850.

An Act supplementary to "An Act to provide for the lien of Mechanics and others," passed April 12, 1850.

And "An Act to establish an Asylum for the Insane of the State of California."

A message was received informing the Senate that the Assembly this day passed Assembly bill for "An Act to authorize J. T. Dean to hold, use, and occupy certain lands, in the city of Benicia."

The bill was read a first time and laid over, under the rule.

Assembly bill for "An Act to provide for the Measurement of Goods," was taken up, read a second time, and referred to the Committee on Commerce and Navigation.

Mr. Keene submitted the following report:

Mr. President:

The special committee consisting of the delegation from the county of El Dorado, to whom was referred the bill for "An Act to abolish the Board of Supervisors in the county of El Dorado," having had the same under consideration, report it back to the Senate and recommend its passage.

B. F. KEENE,
JOHN WALTON.

The report was adopted, the bill read a third time and passed.

On motion of Mr. Smith, Assembly bill for "An Act to amend the third section of the Act entitled an Act to license Gaming," passed March 14, 1851, was taken up.

On motion of Mr. Crabb, it was again laid upon the table.

Mr. Sprague made a verbal report from the Judiciary Committee, recommending that Assembly bill for "An Act to amend an Act entitled an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers," be indefinitely postponed.

Which was agreed to.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same."

The report was adopted.

Mr. Wombough moved to take from the table Assembly bill for "An Act to amend the third section of the Act entitled an Act to license Gaming."

Not agreed to.

A message was received, informing the Senate that the Assembly this day passed Senate bill for "An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined by the Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851.

Senate bill for "An Act concerning Townships," was taken up.

Mr. De la Guerra moved the indefinite postponement of the bill.

Not agreed to.

The bill was then read a third time and passed.

Substitute for Assembly bill for "An Act for the relief of E. D. Osborne," was read a third time and passed.

Mr. Walton, from the select committee, to whom was referred "An Act to repeal an Act to provide for the Inspection of Flour," reported it back, and recommended its indefinite postponement.

On the adoption of the report, Messrs. Walton, Lott and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs. Estill,	Messrs. Snyder,
Foster,	Sprague,
Hubbs,	Walkup,
Lind,	Walton,
Lott,	Wombough,
Lyons,	Williams—12.

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Hudspeth,
Crabb,	Roach,
Coffroth,	Smith,
De la Guerra,	Wade—10.

So the bill was indefinitely postponed.

Mr. Estill, Chairman of the Committee on Public Lands, submitted a report containing the statement of Capt. Joseph Walker, in reference to the practicability of a Railroad from San Francisco to the Mississippi Valley.

The report was accepted; when Mr. Estill moved that five hundred copies be printed.

On which Messrs. Wombough, Sprague and Estill demanded the ayes and nays with the following result:

AYES.

Messrs. Baird,	Messrs. Lyons,
Crabb,	Roach,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Wade,
Hager,	Walkup,
Hubbs,	Wombough,
Hudspeth,	Williams—17.
Keene,	

NAYS.

Messrs. Catlin,	Messrs. Lott,
Coffroth,	Sprague—4.

So the motion to print was agreed to.

Mr. Estill moved to print five hundred copies of the report of the Joint Committee in relation to the Civil Fund.

On which Messrs. Wombough, Estill and Keene demanded the ayes and nays with the following result:

AYES.

Messrs. Crabb,	Messrs. Keene,
Estill,	Lyons,
Foster,	Snyder,
Hager,	Wade,
Hubbs,	Wombough—11.
Hudspeth,	

NAYS.

Messrs. Baird,	Messrs. Sprague,
Catlin,	Walkup,
Coffroth,	Williams—7.
Lott,	

So the report was ordered printed.

On motion of Mr. Crabb, the select committee to whom was referred Assembly bill for "An Act to regulate the Elections of Trustees and other officers for the town of Oakland," was instructed to report the same back to-morrow morning.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the committee had, this day, presented to the Governor, for his approval, "An Act to abolish the present State Hospitals, and to provide for liquidating the indebtedness of the same."

Report adopted.

Mr. Hubbs, Chairman of the Committee on Finance, to whom was referred a bill for "An Act amendatory of an Act concerning Licenses," passed May 4, 1852, reported the same back for the consideration of the Senate.

The report was accepted, when

Mr. Hubbs moved that the bill be indefinitely postponed.

Which was agreed to.

Mr. Smith moved to indefinitely postpone Assembly Joint Resolution in relation to the donation of the Public Lands.

On which Messrs. Sprague, Wombough and Crabb demanded the ayes and nays, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Hudspeth,
Estill,	Kurtz,
Hager,	Smith—6.

NAYS.

Messrs. Baird,	Messrs. Roach,
Crabb,	Snyder,
Coffroth,	Sprague,
Foster,	Wade,
Hubbs,	Walkup,
Keene,	Walton,
Lott,	Wombough,
Lyons,	Williams—16.

So the motion to postpone indefinitely was lost.

Mr. Smith moved to strike out "junior State," and insert "youngest State."

Not agreed to.

The resolution was then read a third time and passed.

A message was received from the Governor, informing the Senate that he had this day approved "An Act to abolish the State Hospitals and provide for liquidating the indebtedness of the same."

Mr. Williams moved to adjourn.

On which Messrs. Williams, Catlin and Kurtz demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin, Hudspeth, Lott, Williams—4.

NAYS.

Messrs. Baird, Crabb, Coffroth, De la Guerra, Estill, Foster, Hubbs, Keene, Kurtz, Lyons, Roach, Snyder, Sprague, Wade, Walkup, Walton, Wombough—17.

So the Senate refused to adjourn.

Mr. Estill moved to take up the substitute for Senate bill for "An Act supplementary to an Act entitled an Act concerning Roads and Highways."

Which was agreed to.

Mr. Sprague moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Lyons, it was recommitted to the Committee on Roads and Highways.

On motion of Mr. Hager, Senate bill for "An Act to authorize the construction of a Wagon road from Weaverville in the County of Trinity, to the Free Bridge House on Clear Creek, in the County of Shasta," was indefinitely postponed.

On motion of Mr. Estill, a bill for "An Act to authorize Alvin Moultroup and John Croston, to collect tolls on a bridge across Trinity River, in Trinity County," was indefinitely postponed.

On motion of Mr. Walkup, Senate Joint Resolution in relation to grants of land by the General Government to aid in the construction of Railroads, was indefinitely postponed.

Mr. Walton, chairman of the select committee to whom was referred Assembly bill for "An Act to amend an Act entitled an Act to provide for the levying, assessing and collecting Public Revenue," made a verbal report, and recommended the indefinite postponement of the bill.

The report was adopted, and the bill was indefinitely postponed.

Mr. Sprague moved to indefinitely postpone Assembly bill for "An Act to provide for the payment of the Indebtedness of the State."

Which was agreed to.

Mr. Hager moved to adjourn.

On which Messrs. Hager, Hubbs and Walton demanded the ayes and nays with the following result:

AYES.

Messrs. Catlin,
Hager,
Lott,
Messrs. Lyons,
Wombough—5.

NAYS.

Messrs. Baird,
Crabb,
Coffroth,
Estill,
Foster,
Hubbs,
Hudspeth,
Messrs. Keene,
Kurtz,
Roach,
Sprague,
Wade,
Walkup,
Walton—14.

So the Senate refused to adjourn.

Mr. Estill moved to adjourn until 10 o'clock, A. M., to-morrow.

Not agreed to.

On motion of Mr. Hubbs, Assembly bill for "An Act to require the owners and consignees of Flour arriving within the State, to report the same to the Board of Port Wardens of the city of San Francisco, being a substitute to Senate bill for an Act to prevent monopolies that tend to produce famine," was indefinitely postponed.

Mr. Sprague moved that Assembly bill for "An Act to amend an Act entitled an Act to authorize the construction of a Wagon road from Humboldt bay to the Sacramento valley," be read a third time.

Not agreed to.

On motion of Mr. Coffroth, the bill was laid on the table.

Mr. De la Guerra moved the indefinite postponement of Assembly bill for "An Act explanatory of an Act entitled an Act defining the time within which Actions shall be commenced in certain cases.

Which was agreed to.

Mr. Lott moved to lay on the table Assembly bill for "An Act for the relief of George T. Rigley.

Which was agreed to.

On motion of Mr. Foster Assembly bill for "An Act to set apart five thousand dollars to meet the contingent expenses of the Assembly," was indefinitely postponed.

On motion of Mr. Kurtz, Assembly bill for "An Act to amend the third section of an Act entitled an Act to regulate fees in office," was indefinitely postponed.

Mr. Williams moved to indefinitely postpone Assembly Concurrent Resolution granting to each member of the Legislature a copy of the Journals of 1852.

Which was agreed to.

Assembly Joint Resolution in relation to establishing a Land Office in the northern part of the State, was taken under consideration; and on motion of Mr. Crabb, it was laid upon the table.

On motion of Mr. Catlin, Assembly bill for "An Act to fix the times for holding the Terms of the District Court in the Tenth Judicial District," was read a third time and passed.

Mr. Estill moved to adjourn until 10 o'clock, to-morrow.

On which Messrs. Estill, Baird and De la Guerra demanded the ayes and nays with the following result:

AYES.

Messrs. Baird,	Messrs. Lott,
Estill,	Lyons,
Hager,	Snyder,
Hudspeth,	Wade,
Keene,	Walkup—10.

NAYS.

Messrs. Catlin,	Messrs. Hubbs,
Crabb,	Roach,
Coffroth,	Sprague,
De la Guerra,	Walton,
Foster,	Williams—10.

So the Senate refused to adjourn.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported as correctly enrolled "An Act to apportion the Senatorial and Assembly Districts of this State."

On motion of Mr. Lott, the report was concurred in.

Assembly bill for "An Act supplementary to an Act to incorporate the city of Los Angeles," passed April 4, 1850, was taken up, considered, the amendments concurred in, the bill read a third time and passed.

Mr. Wade moved to adjourn.

On which Messrs. Williams, Walkup and Sprague demanded the ayes and nays, with the following result:

AYES.

Messrs. Baird,	Messrs. Roach,
De la Guerra,	Smith,
Hager,	Snyder,
Hudspeth	Sprague,
Keene,	Wade,
Kurtz,	Walkup—13.
Lyons,	

NAYS.

Messrs. Catlin,	Messrs. Lind,
Crabb,	Lott,

Messrs. Coffroth, Messrs. Walton,
Foster, Williams—9.
Hubbs,

So the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

WEDNESDAY, May 18, 1853.

Senate met pursuant to adjournment.

President in the chair.

Prayer by the Rev. Mr. Woodbridge.

On motion of Mr. Sprague, the reading of the Journal was dispensed with.

The consideration of the unfinished business upon the President's table, was resumed.

Mr. Sprague moved the adoption of the majority report of the Committee on Military Affairs, recommending the indefinite postponement of Assembly bill for "An Act to abolish the office of Quarter-master General in this State, and provide for the performance of the duties thereof."

On which Messrs. Sprague, Wade and Crabb demanded the ayes and nays with the following result:

AYES.

Messrs. De la Guerra, Messrs. Lyons,
Estill, Ralston,
Hager, Roach,
Hubbs, Sprague,
Kurtz, Walkup,
Lind, Wombough—13.
Lott,

NAYS.

Messrs. Baird, Messrs. Snyder,
Crabb, Wade,
Coffroth, Williams—7.
Smith,

So the report was adopted and the bill indefinitely postponed.

Mr. Estill, pursuant to notice, moved that the sixteenth standing rule of the Senate be abrogated for the balance of the session.

Which was agreed to by ayes and nays, as follows:

AYES.

Messrs. Catlin, Messrs. Kurtz,
Coffroth, Lyons,
De la Guerra, Ralston,
Estill, Sprague,
Foster, Wade,
Hubbs, Walkup,
Hudspeth, Walton,
Keene, Wombough—16.

NAYS.

Messrs. Baird, Messrs. Lott,
Crabb, Snyder—5.
Hager,

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act for the relief of C. H. Veeder;"

"An Act to Fund the Foating Debt of the county of Sacramento, and to provide for the payment of the same;"

"An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings;"

"Joint Resolution relative to Public Lands and Internal Improvements," and

"An Act requiring County Treasurers and Public Administrators to settle their accounts."

The report was adopted.

Mr. Hubbs introduced a Concurrent Resolution to continue the present session until 19th instant, at 4, P. M.

Which was adopted.

Mr. Catlin moved a reconsideration of the vote on the passage of "An Act to provide for the loss of papers by the fire at Sacramento city on the 2d November, 1852."

Which was agreed to.

On motion of Mr. Ralston, the bill was indefinitely postponed.

Messrs. Hager and Snyder, a majority of the San Francisco Delegation,

reported back Assembly bill for "An Act to regulate the Election of Municipal Officers in the city of San Francisco, and the time of their taking office," and recommended its indefinite postponement.

Mr. Baird submitted a minority report, recommending the passage of the bill without amendment.

The reports were accepted and laid upon the table.

Mr. Roach, from the committee of conference on the disagreeing vote of the two Houses on Senate bill 181, submitted the following report:

Mr. President:

The committee of conference, to whom was referred the disagreeing vote of the two Houses upon the Assembly's amendment to Senate bill for "An Act to be entitled an Act amendatory and supplementary to an Act to establish a system of Common Schools," approved 3d of May, 1852, recommend that the amendment of the Assembly be concurred in; and that the third section of the sixth article of "An Act to establish a system of Common Schools," passed 3d of May, 1852, be repealed.

Respectfully submitted,

PHILIP A. ROACH,
Of the Senate.

E. HEYDENFELDT,
Of the Assembly.

On the adoption of the report, the ayes and nays were demanded by Messrs. Roach, Snyder and Wade, with the following result:

AYES.

Messrs. Baird, Catlin, Crabb, Coffroth, De la Guerra, Foster, Hager, Hudspeth, Kurtz, Lott, Lyons, Roach, Smith, Snyder, Wade, Wombough—16.

NAYS.

Messrs. Estill, Hubbs, Keene, Ralston, Sprague, Walkup, Walton—7.

So the report was adopted.

On motion of Mr. Estill, Assembly bill for "An Act amendatory of an Act to provide for the Inspection of Flour, passed May 3, 1852," was taken from the table, and read a second time.

Mr. Roach moved to amend by striking out the word "Monterey," in the first section.

Which was not agreed to

The bill was read a third time, and on the question of its passage, the ayes and nays were demanded by Messrs. Crabb, Lott, and Estill, and the bill was passed by the following vote:

AYES.

Messrs. Baird,	Messrs. Snyder,
Coffroth,	Sprague,
De la Guerra,	Wade,
Estill,	Walkup,
Hubbs,	Walton,
Hudspeth,	Wombough,
Kurtz,	Williams—15.
Lyons,	

NAYS.

Messrs. Catlin,	Messrs. Keene,
Crabb,	Lott,
Foster,	Roach—7.
Hager,	

A message was received informing the Senate that the Assembly passed on yesterday Senate bill for "An Act to protect the Archives of State, and prevent their removal from Benicia;"

And Assembly Joint Resolution for the appointment of a joint committee of one from the Senate and one from the Assembly, for the purpose of examining the books and accounts of the Treasurer and Comptroller of State;"

Also passed Senate bill for "An Act prescribing the manner of applying for Pardons;"

Also, Senate bill for "An Act additional to an Act to provide for the compensation of County Judges and of Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850," approved May 16, 1853;

And passed Assembly bill for "An Act authorizing the proprietors of Clay street wharf to change the direction of said wharf;"

And passed with amendments Senate bill for "An Act amendatory of and supplementary to the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State;"

And passed Assembly Concurrent Resolution to meet in joint convention, for the purpose of electing Physicians to the State Marine Hospitals, &c.

Mr. Baird moved to take from the table Assembly bill for "An Act to regu-

late the Election of Municipal Officers in the city of San Francisco, and the time of their taking office."

Which was agreed to.

Mr. Hager moved that the Senate concur in the report of the majority of the San Francisco delegation, recommending the indefinite postponement of the bill.

On which Messrs. Hager, Baird and Smith demanded the ayes and nays, with the following result:

AYES.

Messrs. Foster,	Messrs. Lyons,
Hager,	Ralston,
Hubbs,	Roach,
Keene,	Sprague,
Lind,	Walkup,
Lott,	Walton—12.

NAYS.

Messrs. Baird,	Messrs. Estill,
Catlin,	Hudspeth,
Crabb,	Smith,
Coffroth,	Wade,
De la Guerra,	Wombough—10.

So the report was concurred in, and the bill indefinitely postponed.

Mr. Lott moved that a committee of conference be appointed on the disagreeing vote of the two Houses on Senate bill for "An Act amendatory of and supplementary to the Act to regulate proceedings in civil cases in the Courts of Justice of this State;"

Which was agreed to, and the President appointed on the committee Messrs. Lott and Sprague.

Assembly Joint Resolution to appoint a committee of one from each house, for the purpose of examining the books and accounts of the Treasurer and Comptroller of State, was read and rejected.

Assembly bill for "An Act authorizing the proprietors of Clay Street Wharf, to change the direction of said Wharf," was read the first time, when

Mr. Hubbs moved its indefinite postponement.

On which Messrs. Hubbs, Walton and Coffroth demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs. Estill,	Messrs. Roach,
Hubbs,	Sprague,
Lyons,	Walkup—7.
Ralston,	

NAYS.

Messrs. Baird,	Messrs. Lott,
Catlin,	Smith,
Coffroth,	Snyder,
Foster,	Wade,
Hager,	Wombough,
Hudspeth,	Williams—12.

On motion of Mr. Walton the bill was laid upon the table.

Mr. Lind, Chairman of the Committee on Enrollment, reported that the committee had presented to the Governor for his approval, "An Act to apportion the Senatorial and Assembly Districts of this State."

"An Act to amend an Act to provide for the redemption of Comptroller's warrants drawn on the General Fund," passed 1st April, 1853.

"An Act for the permanent location of the Seat of Government of the State of California."

"An Act in relation to resistance of payment of Revenue due the State."

"An Act to fix the times of holding the Terms of the District Court throughout this State."

"An Act to Fund the Floating Debt of the County of Sacramento, and to provide for the payment of the same."

"An Act requiring Couhty Treasurers and Public Administrators to settle their accounts."

"An Act to authorize the State Treasurer to issue a duplicate Land Warrant to S. C. Hastings."

"An Act for the relief of C. H. Veeder."

And deposited with the Secretary of State a Joint Resolution relative to Public Lands and Internal Improvements.

The report was adopted.

Assembly Concurrent Resolution fixing the hour of eleven, this day, to meet in joint convention to elect Physicians to the State Marine Hospital and Insane Asylum, was laid upon the table by the following vote:

AYES.

Messrs. Coffroth,	Messrs. Roach,
Estill,	Sprague,
Hubbs,	Wade,
Kurtz,	Walkup,
Lind,	Walton,
Lyons,	Wombough—13.
Ralston,	

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Lott,

Messrs. Crabb,
De la Guerra,
Foster,
Messrs. Smith,
Snyder,
Williams—10.

Mr. Hager offered a resolution, which was adopted, allowing the Pages of the Senate to draw their pay from and including the day on which the Senate met in January last.

Mr. Keene moved the adoption of a resolution, allowing the Recording Clerk twenty dollars a month, in scrip, for office rent since the tenth day of February last.

Which was agreed to.

Mr. Lyons moved a reconsideration of the vote by which Assembly bill for "An Act authorizing the proprietors of Clay Street Wharf to change the direction of said Wharf," was laid upon the table.

On which the ayes and nays were demanded by Messrs. Catlin, Lyons and Baird, and the motion was lost by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
Estill,
Hudspeth,
Messrs. Kurtz,
Lyons,
Smith,
Snyder,
Wade—11.

NAYS.

Messrs. Foster,
Hager,
Hubbs,
Keene,
Lind,
Lott,
Messrs. Ralston,
Sprague,
Walkup,
Walton,
Wombough,
Williams—12.

Assembly bill for "An Act concerning Corporations," was taken from the table, read a third time and passed.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "Joint Resolution in relation to the claim of Felix Argenti against the General Government;" and

"An Act authorizing the Treasurer of State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the county of San Diego."

The report was adopted.

Mr. Ralston moved to take from the table a bill for "An Act to legalize certain Records of Deeds in Sacramento county."

Which was agreed to; and the bill read a third time and passed.

A message was received, informing the Senate that the Assembly this day passed Senate bill for "An Act for the relief of John W. Jackson;"

And refused to concur in the report of the committee of conference on

the disagreeing vote of the two Houses on Senate bill for "An Act amendatory of and supplementary to an Act to establish a system of Common Schools;"

And passed Senate "Concurrent Resolution to extend the time of adjournment to the 19th instant, at 4, P. M.;"

And appointed Messrs. Myres and Johnson a committee of conference on the disagreeing vote of the two Houses on Senate bill for "An Act amendatory of and supplementary to the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State;"

And passed Senate bill for "An Act supplemental to an Act to regulate Elections," passed March 23d, 1850;

And Senate bill for "An Act to define the Fees to be charged by Clerks of Courts for the naturalization of Foreigners."

Assembly bill for "An Act to authorize J. T. Dean to hold, use, and occupy certain lands in the city of Benicia," was taken up on motion of Mr. Williams, and the bill was read by sections,

When the President announced that the hour of 12 having arrived, all further business, in accordance with a resolution this day adopted, would be suspended.

Messrs. Lott and Sprague, the committee of conference on the part of the Senate on the disagreeing vote of the two Houses on Senate bill for an Act amendatory of and supplementary to an Act to regulate proceedings in civil cases, in the Courts of Justice of this State, reported as the recommendation of the two committees, that the Senate concur in the Assembly amendments.

On motion of Mr. Hager, the report was concurred in.

On motion of Mr. Walton, the Senate took a recess till 7½, P. M.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

EVENING SESSION.

Senate re-assembled at 7½ o'clock, P. M.

President in the chair.

Mr. Lind, Chairman of the Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor, for his approval, "An Act concerning Sureties on Official Bonds."

"An Act to abolish the Board of Supervisors in the county of El Dorado."

"An Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by the Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.

"An Act to legalize certain records of deeds and other instruments, in the county of Sacramento."

And deposited with the Secretary of State a Joint Resolution concerning Felix Argenti.

The report was adopted.

Mr. Walton, from the Committee on Enrollment, reported as correctly enrolled, "An Act to legalize certain records of deeds and other instruments in the county of Sacramento."

And "An Act to abolish the Board of Supervisors in the county of El Dorado."

The report was adopted.

The President added Mr. Hubbs to the Committee on Enrolled Bills.

Mr. Hager in the chair.

Mr. Hubbs, from the Committee on Enrolled Bills, reported that they had examined andfound correctly enrolled "An Act to provide Revenue for the support of the Government of this State."

The report was concurred in.

A message was received, informing the Senate that the Assembly had reconsidered its vote of non-concurrence, and had adopted the report of the committee of conference on the disagreeing vote of the two Houses on Senate bill for an Act amendatory of and supplementary to "An Act to establish a system of Common Schools," approved May 3, 1852.

Mr. Roach, from the Committee on Enrollment, reported as correctly enrolled "An Act amendatory of and supplementary to an Act to establish a system of Common Schools," approved May 3, 1853; and that the Committee had presented the same to the Governor for his approval.

The reports were adopted.

A message was received from the Governor, informing the Senate that he had this day approved "An Act in relation to resistance of payment of Revenue due the State."

"An Act for the permanent location of the Seat of Government of the State of California."

"An Act to amend an Act to provide for the redemption of Comptroller's Warrants drawn on the General Fund," passed April 1, 1853.

Mr. Hubbs, from the Committee on Enrolled bills, reported that the Committee had this day presented to the Governor, for his approval, "An Act to provide Revenue for the support of the Government of this State."

The report was adopted.

Mr. De la Guerra in the chair.

Mr. Walton, from the Committee on Enrolled Bills, reported as correctly enrolled An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Court of Sessions, and to repeal a like Act passed April 22, 1850; approved May 16, 1853.

"An Act supplementary to an Act to regulate Elections," passed March 23, 1850.

"An Act for the relief of John W. Jackson."

"An Act prescribing the manner of applying for Pardons."

"An Act to define the fees to be charged by Clerks of Courts for the naturalization of Foreigners."

And "An Act to protect the Archives of the State, and prevent their removal from Benicia."

The report was adopted.

Mr. Walton, from the Committee on Enrollment, reported as correctly enrolled,

"An Act amendatory of an Act entitled an Act to provide for the Inspection of Flour," passed May 3d, 1852;

"An Act to amend an Act relating to Corporations;"

"An Act explanatory of the Thirty-ninth Section of an Act entitled an Act concerning Sheriffs," passed April 29th, 1851;

Also, "Joint Resolution relative to the Civil Fund;"

And "An Act for the relief of John C. Cremony."

The report was adopted.

Mr. Lind, from the Joint Committee on Enrolled Bills, reported as correctly enrolled,

"An Act for the relief of John Brown;"

"An Act to amend the Fourteenth Section of an Act concerning the office of County Treasurer," passed March 27th, 1850;

"An Act supplementary to an Act to provide for the Lien of Mechanics, and others," passed April 12th, 1850, and that in section first, fifth line, they have corrected an omission, by inserting in the margin the word "bridge;"

And "An Act to authorize S. G. Whipple, J. F. Wendell, and others, to build a Wharf at Crescent City, in the County of Klamath."

The report was concurred in.

A message was received from the Governor, informing the Senate that he had this day approved,

"An Act to provide for the sale of the interest of the State of California in the property within the water line front of the City of San Francisco, as defined in and byt he Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851;"

"An Act concerning Sureties on Official Bonds;"

"An Act to authorize the Treasurer of the State of California to issue Bonds for the payment of the Fitzgerald Volunteers, serving under Major Fitzgerald, in the County of San Diego;"

"An Act to legalize certain Records of Deeds, and other instruments, in the County of Sacramento;"

"An Act to abolish the Board of Supervisors in the County of El Dorado;"

"An Act to fix the times for holding the Terms of the District Courts throughout the State;"

An act entitled "An Act amendatory and supplemental to an Act entitled an Act to establish a system of Common Schools," approved May 3d, 1852.

Mr. Walton, from the Committee on Enrolled Bills, reported that the committee had presented to the Governor, for his approval,

"An Act to amend an Act relating to Corporations;"

"An Act amendatory of an Act to provide for the Inspection of Flour," passed May 3d, 1852;

"An Act explanatory of the Thirty-ninth Section of an Act concerning Sheriffs," passed April 29th, 1851;

"An Act for the relief of John C. Cremony;"

"An Act prescribing the manner of applying for Pardons;"

"An Act to protect the Archives of State, and prevent their removal from Benicia;"

"An Act supplemental to an Act to regulate Elections," passed March 23d, 1850;

"An Act for the relief of John W. Jackson;"

"An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of Courts of Sessions, and to repeal a like Act passed April 22d, 1850;"

"An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners."

And deposited with the Secretary of State "Joint Resolution relative to the Civil Fund."

The report was adopted.

Mr. Hubbs moved that when the Senate adjourn, it adjourn to meet at one o'clock to morrow.

Which was agreed to.

Mr. Walton offered the following resolution, which was accepted:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. B. Frank Keene, for the able and impartial manner in which he has discharged the duties devolving upon him, as presiding officer of this body.

Mr. Wombough offered the following:

Resolved, That the thanks of the Senate be tendered to G. W. Ten Broeck, for the efficient attention and obliging manner with which he has discharged his duties as Sergeant-at-Arms of the Senate, during its present session.

Which was adopted.

A message was received from the Governor, informing the Senate that he had this day approved

"An Act to provide Revenue for the support of the Government of this State;"

"An Act to define the Fees to be charged by Clerks of Courts for the Naturalization of Foreigners;"

"An Act additional to an Act to provide for the compensation of County Judges and Associate Justices of the Courts of Sessions, and to repeal a like Act passed April 22, 1850," approved May 16, 1853;

"An Act for the relief of John W. Jackson;"

"An Act supplemental to an Act to regulate Elections," passed March 22, 1850;

"An Act to protect the Archives of State, and prevent their removal from Benicia;"

"An Act prescribing the manner of applying for Pardons;"

Mr. Crabb moved to take from the table, Assembly Concurrent Resolution, providing that the two Houses shall meet in the Assembly Chambers at half past eleven o'clock, this day, to hold a Joint Convention, for the

purpose of electing Physicians to the State Marine Hospital, and the State Insane Asylum.

Mr. Lott in the chair.

Mr. Hubbs moved a call of the Senate.

Which was sustained, and,

Messrs. Gruwell, Hudspeth, McKibben, and Ralston, were absent.

The Sergeant-at-Arms was despatched for the absentees, returned, and stated that Mr. Ralston was sick.

Mr. Sprague, on leave, from the Committee on Enrollment, reported as correctly enrolled,

"An Act amendatory of, and supplementary to the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State."

The report was adopted.

Mr. Smith moved that further proceedings under the call, be suspended.

On which, Messrs. Walton, Smith, and Crabb, demanded the ayes and nays, and the motion was lost by the following vote:

AYES.

Messrs.	Baird,	Messrs.	Roach,
	Catlin,		Smith,
	Crabb,		Wade,
	Lyons,		Williams—8.

NAYS.

Messrs.	De la Guerra,	Messrs.	Lind,
	Estill,		Lyons,
	Foster,		Snyder,
	Hager,		Sprague,
	Hubbs,		Walkup,
	Keene,		Walton,
	Kurtz,		Wombough—14.

Mr. Estill moved a reconsideration of the vote just taken.

Which was agreed to, and the call was suspended.

The question recurring on the motion to take up the Concurrent Resolution, the ayes and nays were demanded by Messrs. Crabb, Wade and Kurtz, with the following result;

AYES.

Messrs.	Baird,	Messrs.	Smith,
	Crabb,		Wade,
	Coffroth,		Williams—6.

NAYS.

Messrs. De la Guerra,	Messrs. Lott,
Estill,	Lyons,
Foster,	Roach,
Hager,	Snyder,
Hubbs,	Sprague,
Keene,	Walkup,
Kurtz,	Walton,
Lind,	Wombough—16.

So the motion to take up the Resolution, was lost.

Mr. Crabb gave notice that he would enter his protest against the reception of the report of the Enrolling Committee, on the Act to provide for the establishment of a State Marine Hospital at San Francisco, and the prsentation of the same to the Governor for his approval, as it is now after the hour of twelve, midnight.

Mr. Walton, from the Committee on Enrollment reported as correctly enrolled,

"An Act concerning the Courts of Justice of this State, and Judicial Officers."

Mr. Crabb objected to the reception of the report.

The report was concurred in.

Mr. Crabb offered the following resolution:

Resolved, (The Assembly concurring.) That the Senate and Assembly meet in Convention in the Assembly Hall, on the 19th May, 1853, for the purpose of electing the Physicians and Trustees of the Insane Asylum of California.

The Chair decided that it required a two-thirds vote to receive the resolution.

Mr. Crabb appealed from this decision.

Mr. Walton moved a call of the Senate.

Which was sustained, and Messrs. Catlin, Coffroth, Hudspeth, McKibben, and Ralston were absent.

Messrs. Ralston, Hudspeth, and Catlin, were excused from the action of the call.

On motion of Mr. Sprague, further proceedings under the call were suspended.

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and nays were demanded by Messrs. Crabb, Wade, and De la Guerra, with the following result:

AYES.

Messrs. De la Guerra,	Messrs. Lott,
Estill,	Lyons,
Foster,	Snyder,

Messrs. Hager,
Hubbs,
Keene,
Kurtz,
Lind,
Messrs. Sprague,
Walkup,
Walton,
Wombough—15.

NAYS.

Messrs. Baird,
Crabb,
Roach,
Messrs. Smith,
Wade—5.

So the decision of the Chair was sustained.

Mr. Lind, Chairman of the Committee on Enrollment, reported as correctly enrolled "An Act to provide for the establishment of a State Marine Hospital of San Francisco, and to provide for the Indigent Sick."

The report was adopted.

A message was received from the Governor, informing the Senate, that he had this day approved—

"An Act supplementary to an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State."

Mr. Walton, from the Committee on Enrollment, reported, that the Committee had presented to the Governor, for his approval—

"An Act concerning the Courts of Justice of this State, and Judicial Officers."

The report was adopted.

And, that the Committee had also presented to the Governor, for his approval—

"An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the Indigent Sick of this State."

The report was adopted.

Mr. Crabb, agreeably to notice, entered the following protest:

In order to establish a precedent, and test the question, whether, under the Joint Rules of the Senate and Assembly, a bill can be legally presented to the Governor, for his signature, after the hour of twelve o'clock, P. M.,—he, Mr. Crabb, protested against the presentation of any bill, not then (ten minutes after twelve o'clock, P. M.) reported upon by the Enrolling Committee, to the Governor for his signature.

On motion of Mr. Smith, the Senate adjourned.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

IN SENATE.

THURSDAY, May 19, 1853.

Senate met pursuant to adjournment.
President in the chair.
Prayer by Rev. Mr. Woodbridge.
The Journal of Wednesday was read and approved.
On motion of Mr. Hubbs, the compensation of the Secretary and Assistant Secretary was increased two dollars per diem, from the commencement of the session.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, May 19, 1853.

To the Senate of California:

James Miller of Solano, Horace W. Carpentier of Contra Costa, and Samuel Bell of Mariposa, are hereby presented for confirmation as Inspectors of the State Prison. Samuel Bell to supply the place of George McDougal, resigned.

JOHN BIGLER.

The following message was also received from the Governor:

EXECUTIVE DEPARTMENT,
Benicia, May 19, 1853.

To the Senate of California:

I have, this day, appointed John S. Love of Butte County, Joseph Hopkins of Sutter County, Levi Hermance of Sacramento County, Loring Pickering and John A. McGlynn of San Francisco County, Commissioners under "An Act entitled an Act to provide for the sale of the interest of the State of California in the property within the water-line front of the city of San Francisco, as defined in and by an Act to provide for the disposition of certain property of the State of California," passed March 26, 1851.
The approval of the Senate is respectfully requested.

JOHN BIGLER.

A message was received, informing the Senate that the Assembly, this

day, passed a Concurrent Resolution to appoint a joint committee of three to wait upon the Governor, and inform him that the two Houses are waiting to receive any further communications he may desire to submit prior to adjournment *sine die*. And had appointed as the committee Messrs. Johnson, Hoff, and Crenshaw.

A message was received from the Governor, informing the Senate that he this day approved "An Act to provide for the establishment of a State Marine Hospital at San Francisco, and to provide for the indigent sick in the State;" and

"An Act concerning the Courts of Justice of this State and Judicial Officers."

The resolution was concurred in, and the President appointed as the committee on the part of the Senate, Messrs. Hubbs, Ralston, and Wombough.

Mr. Crabb offered the following resolution:

Resolved, That the Secretary of the Senate, A. C. Bradford, Esq., and the Assistant Secretary, Major J. S. Love, during the present session of the Senate, have proved themselves faithful and efficient officers; and by their accommodating spirit and gentlemanly deportment have become endeared to every member of the Senate.

The resolution was adopted.

On motion of Mr. Lott, the Senate went into executive session upon the appointments of the Governor, under an Act to provide for the sale of the interest of the State of California in the property within the water line front of the city of San Francisco, as defined in and by an Act to provide for the disposition of certain property of the State of California, passed March 26, 1851.

The appointment of John S. Love under said Act was confirmed by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Estill,
Foster,
Hager,
Hubbs,
Keene,
Lind,
Lott,
Lyons,
Ralston,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walkup,
Walton,
Wombough,
Williams—23.

NAYS—None.

The appointment of Joseph Hopkins, under said Act, was confirmed by the following vote:

AYES.

Messrs. Baird,	Messrs. Lyons,
Catlin,	Ralston,
Crabb,	Roach,
Coffroth,	Smith,
De la Guerra,	Snyder,
Estill,	Sprague,
Foster,	Wade,
Hager,	Walkup,
Hubbs,	Walton,
Keene,	Wombough,
Lind,	Williams—23.
Lott,	

NAYS—None.

The appointment of Levi Hermance, under said Act, was confirmed by the following vote:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Sprague,
Hager,	Wade,
Hubbs,	Walkup,
Keene,	Walton,
Kurtz,	Wombough,
Lind,	Williams—24.

NAYS—None.

The appointment of Loring Pickering, under said Act, was confirmed by the following vote:

AYES.

Messrs. Catlin,	Messrs. Hubbs,
Coffroth,	Keene,
De la Guerra,	Kurtz,
Estill,	Lind,
Foster,	Lott,

Messrs. Lyons,
Ralston,
Roach,
Snyder,
Sprague,
Messrs. Walkup,
Walton,
Wombough,
Williams—19.

NAYS—None.

The appointment of John A. McGlynn, under said Act, was confirmed by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
De la Guerra,
Foster,
Hager,
Hubbs,
Keene,
Kurtz,
Lind,
Lott,
Messrs. Lyons,
Ralston,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walkup,
Walton,
Wombough,
Williams—23.

NAYS—None.

The appointment of James Miller, of Solano county, as a State Prison Inspector, was confirmed by the following vote:

AYES.

Messrs. Baird,
Catlin,
Crabb,
Coffroth,
Estill,
Foster,
Hager,
Hubbs,
Keene,
Kurtz,
Lind,
Messrs. Lyons,
Ralston,
Roach,
Smith,
Snyder,
Sprague,
Wade,
Walton,
Wombough,
Williams—21.

NAYS—None.

The appointment of Horace W. Carpentier, of Contra Costa county, as a State Prison Inspector, was confirmed by the following vote:

AYES.

Messrs. Estill,	Messrs. Ralston,
Hubbs,	Roach,
Keene,	Snyder,
Kurtz,	Sprague,
Lott,	Walton,
Lyons,	Wombough—12.

NAYS.

Messrs. Baird,	Messrs. Hager,
Catlin,	Lind,
De la Guerra,	Smith—7.
Foster,	

The appointment of Samuel Bell, of Mariposa county, as a State Prison Inspector, was confirmed by the following vote:

AYES.

Messrs. Baird,	Messrs. Lott,
Catlin,	Lyons,
Crabb,	Ralston,
Coffroth,	Roach,
De la Guerra,	Smith,
Estill,	Snyder,
Foster,	Sprague,
Hager,	Wade,
Hubbs,	Walton,
Keene,	Wombough,
Kurtz,	Williams—23.
Lind,	

NAYS—None.

On motion of Mr. Lott, the injunction of secrecy was removed.

On motion of Mr. Smith, the Senate took a recess for fifteen minutes.

Senate re-assembled.

President in the chair.

The following message was received from the Assembly:

Mr. President:

The Assembly have appointed Messrs. Heydenfeldt and Moore as a committee to inform the Senate that the Assembly on its part had concluded the business of the session, and is now ready to adjourn *sine die*.

By order of the Assembly.

JAMES G. STEBBINS, Clerk.

Hon. E. Heydenfeldt, on behalf of the committee, having announced the message to Senate,

Mr. Lott moved that a similar committee be appointed to notify the Assembly that the Senate, having completed the business of the session, is now ready to adjourn *sine die*.

Which was agreed to.

And the President appointed Messrs. Lott and Wade the committee.

Mr. Hubbs, from the committee appointed to wait on the Governor, submitted the following report, which was accepted:

Mr. President:

The Joint Committee appointed on the part of the Senate and Assembly to wait on His Excellency the Governor, and inform him of their readiness to receive such further communications as he may desire to transmit prior to their final adjournment, ask leave to report:

That they have performed this duty, and received in reply from His Excellency, that he had no further communications to make, but would, through your Committee, convey assurances of his warm personal regard entertained, for the uniform kindness and consideration with which his communications have been invariably received by the two Houses, and the respect manifested towards himself, with the hope that you will return to your respective homes and friends in the enjoyment of health and prosperity, that your future career, whether in the private walks of life or the more stirring scenes of political strife, may be as prosperous and fortunate, as the past has been successful and agreeable.

Respectfully submitted, by

PAUL K. HUBBS,
M. M. WOMBOUGH,
J. H. RALSTON,
Senate Committee.

J. NEELY JOHNSON,
JOHN J. HOFF,
JOHN T. CRENSHAW,
House Committee.

May 19, 1853.

Mr. Wombough introduced the following resolution:

Resolved, That the thanks of the Senate be tendered the President, for the able and impartial manner in which he has presided over the deliberations of this body, during its present session, now about to close.

The resolution was unanimously adopted.

The President then addressed the Senate as follows:

Senators:

I thank you for the vote you have just given, expressing your satisfaction with my course as the presiding officer of the first branch of our State Legislature. I assure you, gentlemen, the feeling which I experience on learning that my official acts have given satisfaction to this honorable body, is one of unfeigned pleasure. I have always endeavored to discharge my official duties with honesty and impartiality, and my gratification on finding my exertions so fully appreciated by you, is both deep and sincere. I only now begin to realize that we are about to separate, never perhaps to meet under similar circumstances, and before we part I beg to say, that I cordially thank you for affording me this opportunity to express to you the sense of obligation I feel for the kindness and courtesy I have always received from you. With this assurance, and in accordance with a concurrent resolution of the two Houses, I now declare the Senate adjourned, *sine die*.

SAMUEL PURDY,
President of the Senate.

A. C. BRADFORD, Secretary.

I hereby certify that the foregoing pages contain a true and correct copy of the Proceedings of the Fourth Session of the Senate of the State of California.

A. C. BRADFORD, Secretary.

BENICIA, May, 1853.

INDEX.

APPENDIX.

Reports of Committees, Executive Documents, Communications from the Departments, and other Public Papers presented to the Senate, at the Fourth Annual Session of the Legislature of California.

[Document No. 1.]

IN THE SENATE.] [SESSION OF 1853.

ANNUAL REPORT

OF THE

STATE COMPTROLLER.

[GEORGE KERR, STATE PRINTER.

ANNUAL REPORT

OF THE

STATE COMPTROLLER.

COMPTROLLER'S OFFICE,
Vallejo, December 15, 1852.

TO HIS EXCELLENCY

THE GOVERNOR OF CALIFORNIA:

Sir—

The third section of the Act organizing this department, having imposed on me the duty of reporting upon the fiscal affairs of the State for the preceding fiscal year; that report is herewith submitted for the fiscal year ending on the 30th day of June, 1852, accompanied with such remarks as are suggested by a proper consideration of the subject, and arranged under the following heads:

I—A general statement of the Revenues and Expenditures for the third fiscal year, ending June 30, 1852.

II—A detailed statement of the Public Debt, at the close of the third fiscal year; and also the amount of the same at this date.

III—A tabular statement, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and the balance unexpended on the 30th day of June, 1852.

IV—A statement exhibiting the condition of the several Funds on the 30th day of June, 1852.

V—A tabular statement, showing the amount of Revenue chargeable to each County for the preceding year, the aggregate amount of each object of taxation, together with the tax due on the same and assessed thereon.

VI—An estimate of the Revenues and Expenditures for the fourth fiscal year, ending on the 30th day of June, 1853.

VII—A tabular statement of the quantity of Lands sold to date, under the provisions of the Act of May 3d, 1852.

VIII—General Remarks "upon matters deemed expedient for the support of the public credit, for promoting frugality and economy in the public expenses, and for the better management and more perfect understanding of the fiscal affairs of the State."

STATEMENT

OF

RECEIPTS INTO THE TREASURY,

FOR THE

THIRD FISCAL YEAR.

STATEMENT OF RECEIPTS INTO THE TREASURY, FOR THE THIRD FISCAL YEAR.

RECEIVED FROM	ON ACCOUNT OF	IN CASH.	IN 3 PER CENT. PER MONTH BONDS.	IN INTEREST THEREON.	IN COMPTROLLER'S WARRANTS.	TOTAL.
San Francisco County	Property and Poll Tax	$55,203 57	13,275 00	8,040 52	150 00	76,669 30
" " "	Auction Tax	4,676 05	12,500 00	7,098 20		23,974 25
City of San Francisco	Gaming Tax	8 34	4,575 00	3,035 41	6,531 25	14,250 00
Board of Funding Commissioners	Water Lots	1,000 00				1,000 00
Commissioner of Immigrants	Commutation Tax	24,291 25				24,291 25
Sacramento County	Property and Poll Tax for 1850	2,598 02				2,598 02
" "	Property Tax for 1851	10,711 23	1,500 00	914 00		13,125 03
" "	Auction and Gaming Tax	27,527 93	4,550 00	2,449 53	14,688 79	49,216 05
San Joaquin "	Property and Poll Tax	8,516 36				8,516 36
" "	Auction and Gaming Tax	3,165 61			800 00	3,965 61
" "	Forfeited Recognizance				908 00	908 00
Santa Clara "	Property and Poll Tax	11,197 66	3,275 00	2,000 00		16,473 26
" "	Military Tax	60 00	200 00	139 80		400 00
Yuba "	Property and Poll Tax	9,757 62	200 00	140 50	546 40	10,644 52
" "	Auction and Gaming Tax	1,539 94				1,539 94
Trinity "	Property and Poll Tax	240 91				240 91
" "	Auction and Gaming Tax	793 12				793 12
Placer "	Property and Poll Tax for 1851	2,222 45				2,222 45
" "	Auction and Gaming Tax	3,399 77				3,399 77
" "	Property and Poll Tax for 1852	2,082 39				2,082 39
" "	Express License	25 00				25 00
" "	Foreign Miners' License	312 00				312 00
Tuolumne "	Property and Poll Tax for 1850	315 45	1,000 00	136 48	3,200 90	4,681 88
" "	" " for 1851	1,578 63				1,578 63
" "	Gaming Tax	2,000 00				2,000 00
Shasta "	Property and Poll Tax	2,166 53				2,166 53
" "	Auction and Gaming Tax	3,019 03				3,019 03
Monterey "	Property and Poll Tax	6,714 12	1,150 00	678 86	198 00	8,740 98
" "	Auction Tax	395 53				395 53
Solano "	Property and Poll Tax	4,784 85	800 00	481 50	300 00	6,366 35
" "	Auction Tax	531 00				531 00
El Dorado "	Property Tax for 1850	541 17				541 17
" "	Property and Poll Tax for 1851	3,129 88				3,129 88
" "	Auction and Gaming Tax	4,972 88				4,972 88
Butte "	Property and Poll Tax	2,549 30	325 00	190 45		3,064 75
San Diego "	" " for 1850		1,100 00	342 00	350 00	1,792 00
" "	" " for 1851	2,093 81				2,093 81
" "	Auction Tax	24 69				24 69
Colusi "	Property and Poll Tax for 1851	1,594 09	100 00	60 00		1,754 09

Contra Costa County,	Property and Poll Tax for 1851,	2,042 29	425 00	222 75		9,690 04
San Luis Obispo "	" " "	724 65	1,000 00	521 00		2,245 65
Yolo "	" " "	2,501 60			200 00	2,701 60
Santa Barbara "	" " "	2,450 00	750 00	421 26		3,621 26
Napa "	" " "	4,790 70				4,790 70
Sonoma "	" " "	4,800 00				4,800 00
Marin "	" " "	4,402 03				4,402 03
Nevada "	" " "	4,422 41			888 00	5,310 41
" "	Auction and Gaming Tax,	3,000 00				3,000 00
Sutter "	Property and Poll Tax for 1851,	1,000 00				1,000 00
Los Angeles "	" " "	9,893 32	500 00	200 00		10,593 32
Secretary of State,	Fees on Commissions,	80 75				80 75
Calaveras County,	Property and Poll Tax,	1,746 83				1,746 83
" "	Gaming Tax,	747 60				747 60
" "	Foreign Miners' License,	679 50				679 50
Santa Cruz "	Property Tax for 1850,	817 67				817 67
" "	Property and Poll Tax for 1851,	7,085 56				7,085 56
A. W. Adams,	Miners' Licenses issued 1850,	11 03				11 03
		$263,835 07	$47,025 00	$27,103 56	$28,760 44	$366,825 07

RECAPITULATION.

Property and Poll Tax,	$227,288 07
Auction and Gaming Tax,	111,729 47
Commutation Tax,	24,391 25
Military Tax,	400 00
Water Lots,	1,000 00
Forfeited Recognizances,	908 00
Express Licenses,	25 00
Foreign Miners' Licenses,	1,002 53
Fees on Commissions issued by Secretary of State,	80 75
Grand Total of Receipts,	$366,825 07

(B.) STATEMENT OF EXPENDITURES

For the third Fiscal year, ending June 30th, 1852:

EXECUTIVE DEPARTMENT—SALARIES.

Salary of Governor,		$9,386 66
" Comptroller of State,		8,152 98
" Treasurer do		9,000 00
" Secretary do		3,634 00
" Attorney General,		9,646 66
" Surveyor General,		9,518 00
" Quartermaster General,		2,099 66
" Superintendent of Public Instruction,		6,750 00
" " " Buildings,		4,000 00
" Adjutant General,		82 60
Total,		$62,270 66

CLERKS OF DEPARTMENTS.

Salary of Private Secretary to Governor,	$2,279 33
" Clerk to Comptroller of State,	2,253 67
" " Treasurer of State,	4,119 75
" " Secretary of State,	4,170 53
Total,	$13,823 28

CONTINGENT EXPENSES OF DEPARTMENTS.

Contingents of Governor's Office,	$2,382 47
" Comptroller's Office,	1,289 42
" Treasurer's Office,	848 37
" Secretary of State's Office,	1,512 26
" Attorney General's Office,	1,708 00
" Surveyor General's Office,	1,049 00
" Quartermaster General's Office,	260 41
" Superintendent of Public Instruction's Office,	1,075 61
Total,	$10,125 69

PRINTING FOR DEPARTMENTS.

Printing for Governor's Office,	$4,930 61
" Comptroller's Office,	1,249 64
" Treasurer's Office,	670 79
" Secretary of State's Office,	441 55
" Surveyor General's Office,	65 90
" Superintendent of Public Building's Office,	268 00
" " " Instruction's Office,	1,040 00
Total,	$8,666 67

JUDICIAL DEPARTMENT.

SALARIES.

Salaries of Justices of the Supreme Court,	$31,332 16
" District Judges,	85,820 00
" District Attorneys,	23,746 73
Total,	$140,898 89

CONTINGENTS.

Contingent expenses of Supreme Court,	$12,708 87
" " District Courts,	1,925 00
Total,	$14,633 87

LEGISLATIVE DEPARTMENT.

Per diem of Senators,	$59,488 00
" Assemblymen,	122,295 00
Total,	$181,783 00

MILEAGE.

Mileage as Senators,	$14,890 20
" Assemblymen,	26,320 35
Total,	$41,210 55

OFFICERS AND CLERKS.

Of the Senate,	$37,098 31
" Assembly,	39,235 42
Total,	$76,333 73

CHAPLAIN.

Of the Senate,	$1,920 00
Contingent expenses of the Legislature,	$5,532 97
Legislative Printing,	43,481 26

EXPENSES OF HOSPITALS.

Of State Marine Hospital,	$150 00
Of Sacramento State Hospital,	64,116 16
Of Stockton State Hospital,	26,673 59
	$90,939 75

Printing Laws and Journals,	$43,350 08
" Laws in Newspapers,	40,668 26
" Spanish Laws,	8,277 75
" Foreign Miner's Licenses,	2,095 00
" Census Blanks,	11,000 00
" Blank Orders, Forms, &c.,	2,298 75

PRISON.

Keeping State Convicts in County Jails,	$10,565 67
Translating Spanish Laws,	4,136 50
Transporting Convicts,	16,008 00
Transportation of State Arms,	90 00
Pay of Witness before Senate,	12 00
Paid for Relief of Immigrants,	18,060 77
Salary of State Prison Inspectors,	3,375 00
Interest of Funding Bonds of 1851,	9,000 00
Distribution of Census Blanks,	100 00
Map of the State,	1,362 00

MISCELLANEOUS EXPENSES.

Lithographing Funding Bonds of 1851,	$1,500 50
Engraving War Bonds,	700 00
Traveling expenses in procuring Bonds of 1851,	150 00
Reward paid Nicholas Blair,	500 00
" J. F. McFarland,	500 00
Expense of Van Voorhies on Executive business to San Francisco,	55 00
Reward paid J. H. Bean,	1,000 00
Expenses as Removing Agent, from San Jose to Sacramento City, W. W. Gift,	616 50
Marshall and Holley, for wharfage on Archives at Vallejo,	35 00
R. A. Hunt, for removing Archives at Vallejo,	35 00
W. Van Voorhies, expenses from San Jose to Sacramento city,	150 00
Wm. Duncan, services as removing Archives,	6 00
Wm. S. Tinsdale, " "	8 00
John Bigler, traveling expenses,	160 00
Amount carried forward,	$5,416 00

Amount brought forward, - -	$5,416 00
John Bigler, expenses of disbanding troops, - -	435 00
A. De la Guerra, mileage as Treasurer of Santa Barbara, -	216 00
W. H. R. Wood, services in removal of Archives, -	80 00
John P. Wyatt, " " - -	95 00
Winslow S. Pierce, expenses, (contingent,) - -	262 00
Wm. M. Eddy, expenses from Vallejo to Sacramento city,	50 00
John G. Marvin, for services in case of Hoppe vs. Gift and others, - - - - - -	50 00
Julius Reed, services in removal of Archives from San Jose,	24 00
Paid E. D. Hammond, expenses of removal from San Jose to Sacramento city, - - - -	170 00
Wm. M. Smith, expenses of removal from San Jose to Sacramento city, - - - -	170 00
A. G. Kimbell, expenses of removal from San Jose to Sacramento city, - - - -	150 00
W. S. Pierce, for expenses attending mandamus, -	100 00
A. G. Kimbell. for distributing Laws and Journals,	1,000 00
Morton, Reveau & Co., for State Bonds destroyed, -	915 60
Elcan Heydenfeldt, by order of Supreme Court, -	4,020 00
Eugene H. Tharp, fees as Clerk of Supreme Court, -	1,000 00
For indexing and removing Archives from Monterey,	1,000 00
W. W. Gift, for services in removing Archives, from San Jose to Sacramento city, - -	1,100 00
J. M. Bosworth, freight on Archives from San Francisco to Sacramento city, - - -	591 00
Cole and Mason, freight on Archives from San Francisco to Sacramento city, - - -	200 00
A. J. Bliss & Co., drayage on Archives in Sacramento city, - - - - -	150 00
Robert Hopkins, arresting a fugitive from justice, -	115 00
W. J. Whitney, for furniture for Senate and Assembly,	23,781 82
Tobin & Duncan, for chairs " "	1,232 00
Green & Baldwin, as committee to select public grounds at Vallejo, - - - - -	600 00
Soule & Page, for lumber furnished State at Vallejo,	1,622 38
Lovett & Co., " " "	365 90
J. Hammond, " " "	369 96
Edward Barry, for carpenter work done at Vallejo, -	2,039 00
C. H. Veeder, services rendered State at Vallejo, -	205 00
M. C. Dougherty, " " " -	75 00
Thomas & Green, " " "	253 80
J. B. Clements, judgment against Town Council, Stockton,	2,613 60
Patrick Gallagher, " " "	300 00
Margaret Francis, " " "	300 00
M. F. Robinson, " " "	1,166 00
Wm. H. Cressy, " " "	200 00
Amount carried forward, - -	$52,446 06

Amount brought forward,	$52,446 06
Paid C. L. Williams, judgment against Town Council, Stockton,	300 00
Jackson Sellers, " " "	200 00
J. F. Stevenson, " " "	240 00
Russell & Scott, " " "	2,100 00
John Flood, " " "	300 00
Richard Roman, expenses in procuring Bonds for 1852,	100 00
R. N. Wood, appropriation for visiting Hospital,	100 00
McMeans, " " "	200 00
Tucker, " " "	200 00
Jesse D. Carr, " for lost Warrants,	1,097 00
M. C. Dougherty, relief appropriation,	125 00
Capt. Card, " "	790 00
James S. Raines, " "	453 00
Wm. Rogers, " "	250 00
Lorenzo Hubbard, " "	1,058 00
Taaffe & McCahill, " "	2,056 00
Cronin, Markly & Co., relief "	900 00
L. McMahon, relief "	80 00
W. A. Holly & Co., " "	30 00
Cooke & LeCount, " "	472 50
Lyman Leslie, " "	10 00
L. Hasleton, " "	30 00
Rogers Palmer, " "	90 00
Hinckly & Davis, " "	39 00
	$63,666 56

(C.) RECAPITULATION OF EXPENDITURES.

Of Executive Department,	94,886 20
Judicial "	155,532 76
Legislative "	350,261 51
Hospitals "	90,039 75
Printing Laws and Journals,	43,358 08
" Laws in Newspapers,	40,668 26
" Spanish Laws,	8,277 75
" Foreign Miners' Licenses,	2,095 00
" Census Blanks,	11,000 00
" Blank Orders, Forms, &c.,	2,298 75
Keeping State Prison Convicts in County Jails,	10,565 67
Translation of Spanish Laws,	4,136 50
Transportation of Convicts,	16,008 00
" State Arms,	90 00
Witness before Senate,	12 00
Relief of Emigrants,	18,060 77
Amount carried forward.	$848,191 00

Amount brought forward,	$848,191 00
Of salaries of State Prison Inspectors,	3,375 00
Interest on Funding Bonds,	9,000 00
Distribution of Census Blanks	100 00
Map of State,	1,362 00
Miscellaneous Expenses,	63,666 55
Total Expenditures for the year ending June 30, 1852,	$925,694 56

(D.) FURTHER RECAPITULATION OF EXPENDITURES,

Showing amount paid for State Printing.

Of Executive Department,	8,666 67
Legislative "	43,481 26
Laws and Journals,	43,358 08
Laws in Newspapers,	40,668 26
Spanish Laws,	8,277 75
Foreign Miners' Licenses,	2,095 00
Census Blanks,	11,000 00
Blank Forms, Orders, &c.,	2,298 75
Total expended for State Printing for the year ending June 30, 1852,	$159,845 77

(F.) EXHIBIT OF RECEIPTS AND EXPENDITURES

For the three preceding Fiscal Years.

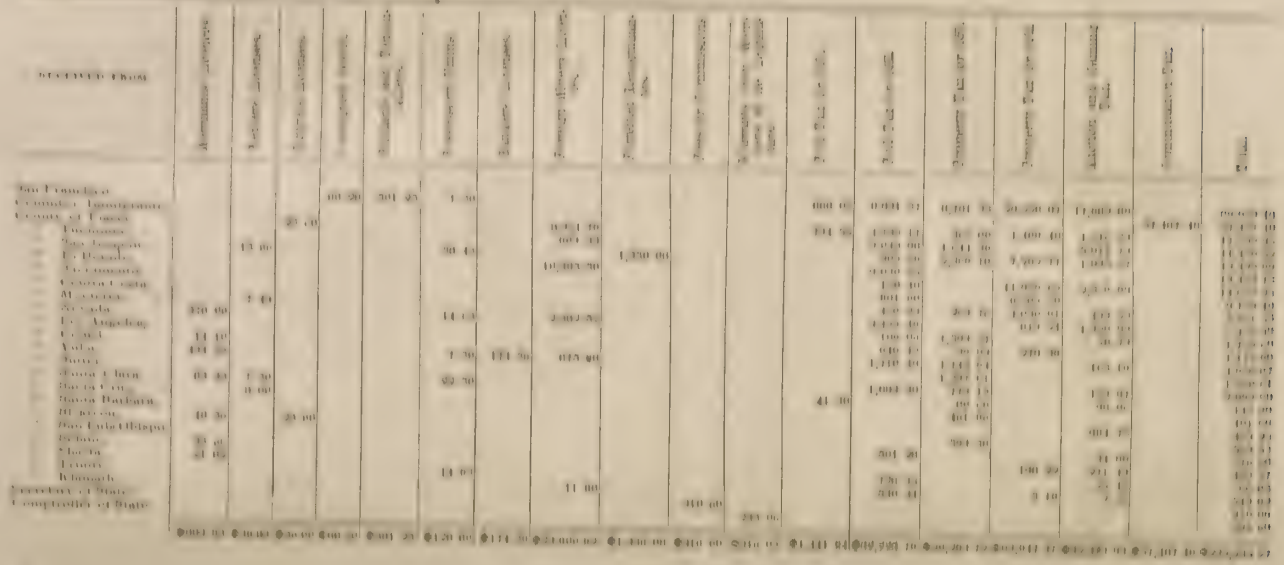
CIVIL DEBT.

	RECEIPTS.	EXPENDITURES.
First Fiscal Year,	3,156 27	348,165 26
Second Fiscal Year,	330,796 45	585,702 83
Third Fiscal Year,	366,825 07	925,694 56
	$700,777 79	$1,859,562 65

SUPPLEMENTAL TABLE

OF

RECEIPTS INTO THE STATE TREASURY FROM JULY 1st TO DECEMBER 20th, 1852, INCLUSIVE



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II. PUBLIC DEBT.

Statement of the condition of the Three per cent. Bonds, at the close of the Third Fiscal Year.

Bonds signed and delivered.				Total amount issued by State Treasurer.	Whole amount redeemed up to June 30, 1852.	Outstanding June 30th 1852.	Amount of Interest paid on Bonds redeemed to date.	Interest due on Bonds outstanding at that date	Bonds and interest outstanding June 30, 1852.
Number.	Denomination.	Amount.	Total Amount.						
777	$100	$77,700							
368	225	82,800							
179	500	89,500							
50	1,000	50,000	$300,000	$290,100	$172,775	$117,325	61,651 01	96,442 88	213,767 88

2. SEVEN PER CENT. BONDS,

Issued under the Act of April 28th, 1851.

Whole amount issued up to June 30, 1852,	$417,000 00	
Amount redeemed to that date, -	19,500 00	
Balance outstanding June 30, 1852, -	$397,500 00	
Interest accrued and uncalled for, -	2,060 08	$399,560 08

3. SEVEN PER CENT. BONDS, (CIVIL,)

Issued under the Act of May 1st, 1852.

Amount issued up to June 30, 1852, -	$156,500 00	
Interest due on same at that date, -	281 41	$156,781 41

4. STATEMENT,

Exhibiting the amount of Comptroller's Warrants outstanding at the close of the third Fiscal Year.

Balance outstanding at the close of the second Fiscal Year, June 30, 1851, - -	$437,703 56	
Amount issued during the third Fiscal Year,	925,694 55	1,363,398 12
Amount redeemed at the Treasury during that period—in Cash, - - -	200,811 46	
Taxes, - -	28,731 19	
Land Warrants, - -	93,406 01	
Funded, under the Act of 1851, -	383,500 00	
" " " 1852, - -	156,500 00	$862,948 66
June 30th, 1852, Total, - -		$500,449 46

(G.) THE ENTIRE CIVIL DEBT OF THE STATE,

At the close of the Third Fiscal Year is exhibited, as follows:

1.	Three per cent. Bonds, . .	$117,325 00	
	Interest on same, . .	96,442 88—	$213,767 88
2.	Seven per cent. Bonds of 1851, .	397,500 00	
	Interest accrued and unpaid, . .	2,060 08—	399,560 08
3.	Seven per cent. Bonds of 1852, .	156,500 00	
	Interest on same, . . .	281 41—	156,781 41
4.	Comptroller's Warrants outstanding, . .		500,449 46
	Total, . . .		$1,270,558 83
	Civil Debt of the State, as above,	$1,270,558 83	
5.	War Debt " "	511,900 13	
	Total Debt June 30, 1852,	$1,782,458 96	$1,782,458 96

(E.) WAR DEBT.

At the close of the Third Fiscal Year.

War Bonds, issued under the Act of Feb'y 18th, 1851, - - - -	$200,000 00	
Interest on same, at 12 per cent., -	27,812 20	$227,812 20
War Bonds issued under the Act of May 1st, 1852, - - - -	142,000 00	142,000 00
War Warrants, issued up to June 30, 1852,	284,087 93	
Funded, as above. - - -	142,000 00	
War Warrants outstanding at that date, -	142,087 93	142,087 93
Total, June 30th, 1852, - - -		$511,900 13

(H.) STATEMENT OF THE CIVIL DEBT OF THE STATE,

To December 15th, 1852, inclusive.

Three per cent. Bonds outstanding, .	$63,650 00	
Interest to this date, . . .	63,800 00	127,450 00
Seven per cent. Bonds of 1851, . .	397,000 00	
Interest on same, unpaid, . .	3,218 58	400,218 58
Seven per cent. Bonds of 1852, . .	790,500 00	
Interest on same unpaid, . .	281 41	790,781 41
Comptroller's Civil Warrants outstanding June 30th, 1852, ...	500,449 46	
Do. issued from July 1st to December 15th, inclusive, ...	382,738 04	
	883,187 50	
Warrants redeemed by Treasurer, from July 1st to Dec. 15th, 1852, . . .	813,413 71	
Civil Warrants outstanding Dec. 15th, 1852,	69,763 79	69,763 79
Dec. 15, 1852, total Civil Debt, .		$1,388,213 78
Total War Debt, as per Statement X.		771,190 05
Add Debt to the "School Fund," for lands sold,		190,080 00
Total Debt, Dec. 15th, 1852,		$2,349,483 83

(X.) STATEMENT OF THE WAR DEBT OF THE STATE,

To December 15th, 1852, inclusive.

12 per cent. War Bonds, Act of 1851, . .	200,000 00	
Interest due on same to date, . . .	39,812 20	239,812 20
7 per cent. War Bonds, Act of 1852, . .	478,800 00	
Estimated interest on same to date, . .	10,850 00	489,650 00
War Warrants outstanding and unfunded, .	41,727 85	41,727 85
Total War Debt, Dec. 15th, 1852,		$771,190 05

The entire Civil and War Debt of the State existing at the close of the late fiscal year, it will be perceived, is $1,782,458 96, and up to the 15th of December, 1852, is $2,159,403 83, of which amount it is expected that the sum of $771,190 05—being the War Debt—will be eventually assumed and paid by the General Government. The debt to the School Fund, to be added thereto, is $190,080 00, making in all $2,349,483 83. The three per cent. Bonds are now being redeemed by virtue of the legislation of last session, as rapidly as money is received into the general fund for that purpose—the sum of $102,138 17, principal and interest, having been paid from the commencement of the present fiscal year to this date, and it is expected that the entire issue can be thus redeemed within a period of three months from this date, thus relieving our people from the further payment of an onerous and oppressive interest, that is now fully equal to the principal outstanding, and leaving no obligations of the State in circulation drawing any interest, other than our seven per cent. bonds.

It will be seen that the sum of $397,000 is now outstanding of the 7 per cent. bonds, emitted under the Act of April 28, 1851, one-half of which sum matures on the 1st day of March, 1855, and the residue on the 1st day of March, 1861, all payable in the City of New York.

The 7 per cent. bonds issued under the Act of May 1st, 1852, amounting to $790,500 00, are all payable in the City New York on the 1st day of March, 1870. The payments of the interest accruing semi-annually on our funded debt—considering both funds in the aggregate—are amply provided for by the tax of twenty-five cents on each one hundred dollars of valuation for this purpose, and the sacred character of these obligations are solemnly recognized and established by the past legislation of our State.

The permanent provision made for a *certain revenue* for the liquidation of this interest, will yield an *annual surplus*, which is to be devoted to the redemption of such a proportionate part of the principal as it may be adequate to redeem, under proposals invited and accepted for that purpose, by the Act of May 4th, 1851; and when the extent of these permanent provisions for the payment of this interest, and such portions of the principal as the surplus, periodically accumulating, will redeem, become

more generally understood, an additional importance will be imparted to this issue, and their value must ultimately be enhanced to par.

The entire proceeds of our claim on the Civil Fund—which has been pending before Congress for a long time—are inviolably pledged for the redemption of these obligations of the State. That claim has heretofore been presented only for the sum of three hundred thousand dollars, though the gross amount of duties levied and collected from our people by the officers of the General Government, while we were under a military rule, were near two millions of dollars, to at least a fair proportion of which sum, we certainly have a just and equitable claim.

It has been almost unanimously conceded, that the entire expenses of our civil government since our organization as a State, December 15th, 1849, up to the date of our admission into the Union, September 9th, 1850, ought justly to be assumed and paid by the Federal Government, from the proceeds of this Civil Fund.

During that time we were virtually in a territorial condition, as far as our relations with the Union were concerned, and our position as an independent State was denied to us, by the delay of Congress in acting upon our constant and pressing application for admission into the Union.

The entire expenditure incurred by our State from the period of our organization to the date of our admission, for the support of the government established Dec. 15th, 1849, amounts to the sum of $436,804 36, which sum is a just and legitimate charge upon the parent government. This claim should be constantly pressed upon the attention of the National Legislature, until its justice and equity is recognized by an appropriation that will fully reimburse our Treasury for the drain made upon it, while we were, constructively, a territory, and the burdens of which should be sustained by the General Government. Should we succeed in obtaining a recognition of our just demands, even to the extent here indicated, the proceeds will be sufficient to anticipate the maturity of our first issue of seven per cent. bonds, due March 1st, 1855 and 1861, and redeem the entire amount at once; and also a portion of the bonds of 1852, due on the 1st of March, 1870.

During the past summer, the sum of twenty-four thousand dollars of the bonds issued under the Act of 1851, has been redeemed, at an average cost of eighty-six cents on the dollar—after propositions had been publicly invited for that purpose—a statement of which is here subjoined, as directed by the statute.

Date.	Name of Holder.	Amount redeemed.	At what price.	Amount paid.
June 24, 1852.	J. Perry, jr.	$12,500 00	,84	$10,500 00
" " "	B. Chapman,	500 00	,90	450 00
" 25, "	H. E. Robinson,	1,000 00	,85	850 00
" 28, "	C. B. Young,	1,500 00	,88⅞	1,331 35
" 29, "	J. Perry, jr.	500 00	,84	420 00
" " "	" " "	1,500 00	,89	1,335 00
" " "	Moulton & Co.	2,000 00	,90	1,800 00
July 5, "	J. Perry, jr.	1,000 00	,89	890 00
" 20, "	" " "	2,500 00	,89	2,225 00
" " "	" " "	1,000 00	,99	990 00
		$24,000 00		$20,791 25

[I.] III.

TABULAR STATEMENT of the amount of each appropriation of money made by law, the amount paid under the same, and the balance remaining unexpended at the close of the third fiscal year.

ACTS.	Date of passage.	Amount of appropriation.	Amount of Warrants drawn on same.	Balance unexpended.
An Act making appropriations for the third year, balance unexpended,	Feb. 12, 1850.	$158,350 66	$158,350 66	
An Act providing for certain contingent expenses of the Senate,	April 20, "	736 31	736 31	
An Act creating the Sacramento State Hospital, and amendments thereto, balance,	April 28, 1851.	22,500 00	22,500 00	
An Act creating the Stockton State Hospital, and amendments,	April 30, "	15,000 00	11,250 00	$3,750 00
An Act for the purchase of the Sacramento State Hospital building,	May 4, 1852.	25,000 00	25,000 00	
An Act authorizing a War Loan, and appropriating money for certain expenses,	Feb. 18, 1851.	1,150 00	700 00	450 00
An Act to fund the State Debt, &c.,	April 28, "	2,000 00	1,650 00	350 00
An Act providing for the removal of State Archives from Monterey,&c.	May 1, "	1,000 00	1,000 00	
An Act appropriating money out of the general fund to defray the ordinary expenses of the State,	May 1, "	500,000 00	500,000 00	
An Act to fund the State Debt, &c., and to defray certain expenses,	May 1, 1852.	1,500 00	1,150 00	350 00
An Act providing for the issue of War Bonds, and to defray the expense of same,	May 3, "	1,000 00	950 00	50 00
Amount of special appropriations for "Contingent Fund," for the Senate and Assembly,	Feb. 28, "	3,400 00	3,400 00	
An Act to provide for a Map of the State, &c.,	May 3, "	3,000 00	1,362 00	1,638 00
An Act to provide for the removal of the Archives from Sacramento to Vallejo,	April 30, "	1,200 00	1,100 00	100 00
An Act making an appropriation for the relief of "Immigrants over the Plains,"	May 3, "	25,000 00	18,060 77	6,939 23

ACTS.	Date of passage.	Amount of appropriation.	Amount of Warrants drawn on same.	Balance unexpended.
An Act for the Relief of the Stockton Town Council,	April 30, 1851.	$8,000 00	$7,719 60	$280 40
An Act for the Relief of A. De La Guerra,	Feb. 28, 1852.	216 00	216 00	
" " M. C. Dougherty,	Mar. 27, "	75 00	75 00	
" " M. C. Dougherty,	April 10, "	125 00	125 00	
" " A. G. Kimbell,	" 20, "	1,000 00	1,000 00	
" " Capt'n Card,	" 24, "	790 00	790 00	
" " James S. Raines,	" 27, "	453 00	453 00	
" " Wm. Rogers,	" 29, "	250 00	250 00	
" " L. Hubbard,	May 3, "	1,058 66	1,058 00	66
" " Taaffe & McCahill,	April 24, "	2,056 08	2,056 00	08
" in favor of R. N. Wood & others	May 1, "	500 00	500 00	
" for the Relief of Cronin & Markley,	" " "	900 00	900 00	
" " L. Hasleton,	" 3, "	30 00	30 00	
" " N. A. Holly & Co.,	" " "	30 00	30 00	
" " L. McMahon,	" " "	80 00	80 00	
" " Cooke & Lecount,	April 24, "	472 50	472 50	
" " Lyman Leslie,	May 1, "	10 00	10 00	
" " R. Palmer,	April 27, "	90 75	90 00	75
" " Hinckley & Davis,	Mar. 27, "	39 00	39 00	
" " W. J. Whitney,	" 16, "	23,781 82	23,781 82	
" " Tobin & Duncan,	" 18, "	1,232 00	1,232 00	
" " T. J. Green, and " " D. P. Baldwin,	" 19, "	600 00	600 00	
" " T. J. Green,	" 22, "	253 80	253 80	
" " Soule & Page,	" 22, "	1,622 38	1,622 38	
" " Lovett & Co.,	" " "	365 90	365 90	
" " J. Hammond,	" " "	369 96	369 96	
" " Edward Barry,	" 26, "	2,039 00	2,039 00	
" " J. D. Carr,	April 9, "	1,097 00	1,097 00	
" " C. H. Veeder,	Mar 27, "	205 00	205 00	
" " E. J. C. Kewen,	April 24, "	1,500 00	1,500 00	
" " Benjamin Chapman,	May 4, "	781 25	781 25	
" " Wm. H. Endicott,	Mar. 22, "	380 00	380 00	
" " W. E. P. Hartnell,	April 28, "	690 00	690 00	
" " James F. Howe,	Feb. 11, "	250 00	250 00	
" " J. K. Shaffer,	April 10, "	500 00	500 00	

IV.

STATEMENT OF THE CONDITION OF THE SEVERAL FUNDS, JUNE 30th, 1852.

GOVERNOR'S CONTINGENT FUND.

Limit of appropriation,	$5,000 00
Warrants drawn on same,	5,000 00

INTEREST TAX FUND OF 1851.

Amount received in fund,	48,407 88
" expended,	38,574 02
Balance remaining in fund,	9,833 86

INTEREST TAX FUND OF 1852.

Amount received in fund,	1,000 08
Amount remaining in fund,	1,000 08

MILITARY FUND.

Amount received in fund,	339 80
Amount remaining in fund,	339 80

SAN FRANCISCO STATE MARINE HOSPITAL FUND.

Amount paid in fund,	14,634 75
Amount remaining in fund,	14,634 75

SACRAMENTO STATE HOSPITAL FUND.

Amount paid in fund,	24,691 31
Amount drawn,	16,616 18
Amount in fund,	8,075 13

STOCKTON STATE HOSPITAL FUND.

Amount paid in fund,	23,498 72
Amount drawn,	15,423 59
Amount in fund,	$8,075 13

A TABULAR STATEMENT,

Showing the amount of Revenue chargeable to each County for the preceding year, 1851, the aggregate amount of each object of taxation, together with the tax due on the same.

Number.	COUNTIES.	No. of acres of Land.	Value of Land without improvement.	Value of improvements.	Total value of Lands.	Value of town and city lots.	Value of improvements.	Total value of lots.	Moneys and Gold Dust.	Value of all other personal property.	Total value of all property.	State Tax on same 50 cents on $100.	Interest Tax on same 50c. on $100.	County Tax on same.	State Poll Tax at $2 each.	County Poll Tax at $1 each.	Aggregate of all Taxes.
1	Butte	7,370	$137,64[illegible]		$137,640			$7,330	$175,156	$213,826	$533,952	$2,669 76	$[illegible] 92	$1,004 64	$1,992	$966	$10,163 32
2	Colusi	[illegible]35,434	1[illegible]6,275	$21,425	127,7[illegible]					239,961	367,661	1,838 3[illegible]	551 49	2,757 45	202	101	5,147 25
3	Contra Costa	527,725	1,038,583	75,925	1,114,513	$82,945	$53,8[illegible]0	136,745		502,390	1,753,648	8,768 24	2,630 17	8,768 24	232	106	20,514 95
4	Calaveras		no return									1,025 11			917		1,972 11
5	El Dorado					6,450	144,572	151,022	227,751	318,960	697,651	3,488 25	1,046 47	5,232 38	2,424	1,212	13,798 10
6	Los Angeles	1,717,722	484,127	255,241	739,368	6[illegible]	246,[illegible]	306,159		1,112,465	2,187,992	10,939 96	3,281 98	10,939 96	1,192	596	26,949 85
7	Klamath									19,770	19,770	98 85		122 25	96	48	365 10
8	[illegible]		425,000	51,000	[illegible]76,000					236,455	756,375	3,781 87	1,134 56	3,781 87	194	97	8,[illegible] 31
9	Mariposa								73,619	86,[illegible]6	160,445	996 17	237 91	996 17	864	432	3,526 26
10	Monterey	774,777	514,290	66,575	580,865	136,702	244,470	381,172	96,014	580,252	1,638,3[illegible]3	8,671 29	2,312 32	8,189 61	568	284	20,025 25
11	Napa	218,[illegible]28	444,323	61,500	505,623	12,155	30,650	44,305	44,300	210,162	893,140	4,015 70	1,204 71	6,023 55	384	192	11,819 96
12	Nevada				216,000				135,519	338,261	626,080	3,13[illegible] [illegible]	1,029 12	3,[illegible] 40	3,98[illegible]	1,990	13,859 12
13	Placer	5,100			10,000				101,438	192,754	304,192	1,520 96	456 [illegible]	2,281 44	622	311	4,755 40
14	San Francisco							10,779,137		7,015,574	17,794,711	88,973 [illegible]	26,692 06	177,947 11	1,332	666	298,760 17
15	Sacramento					3,261,980	717,8[illegible]9	3,979,700	434,465	1,917,157	6,331,[illegible]21	31,655 12	9,496 5[illegible]	47,492 68			88,634 33
16	San Joaquin	5,274	112,882	145,395	258,277	4[illegible]8,947	278,968	767,915	53,194	6[illegible]	1,715,139	8,575 94	2,572 78	8,575 94	1,092	546	21,362 67
17	Santa Clara				1,601,741			377,43[illegible]		955,[illegible]	2,934,193	14,670 94	4,401 12	14,670 94	1,728	864	43,670 38
18	San Luis Obispo	[illegible]5,152	200,716	31,21[illegible]	[illegible]31,928	7,000	25,[illegible]	32,000		19[illegible]	460,530	2,3[illegible]2 65	69[illegible]	2,3[illegible]2 65	17	85	5,551 16
19	Santa Barbara	1,[illegible]30,000			[illegible]50,2[illegible]				5,265	465,[illegible]95	821,[illegible]	4,131 [illegible]2	1,238 [illegible]	4,225 02			9,597 54
20	San Diego	[illegible]11,235	254,010	20,7[illegible]0	274,7[illegible]	2[illegible]4,739	89,775	354,514		191,[illegible]7	82[illegible],[illegible]11	4,101 05	1,231 21	4,104 05	52	26	9,517 31
21	Solano	[illegible]	251,124	[illegible]	552,224	753,[illegible]	15,400	769,[illegible]		157,[illegible]	1,17[illegible],756	5,[illegible] 78	1,744 71	5,[illegible] 78	1,092	546	13,125 56
22	Sonoma	[illegible]936	625,379	86,0[illegible]0	711,409	99,676	115,825	215,5[illegible]1	72,177	600,135	1,627,572	8,137 56	2,41[illegible] 37	8,096 11	968	484	20,074 46
23	[illegible]	[illegible]77	550,611	26,740	577,351	40,512	51,620	92,133		262,240	741,732	3,708 66	1,112 59	3,70[illegible] 66	1,044	522	10,09[illegible] 92
24	[illegible]	[illegible]	6,666	4,5[illegible]0	11,16[illegible]				104,776	39[illegible]	4[illegible]7,[illegible]25	2,1[illegible]5 12	715 50	2,1[illegible]5 12	1,583	791	6,097 24
25	Tuolumne	[illegible]	7,5[illegible]	[illegible]	7,[illegible]	300		300	1,190	4[illegible],127	504,127	2,521 63	757 39	2,524 63	3,504	1,752	11,062 65
26	Trinity							23,110	105,3[illegible]	[illegible]955	215,212	1,07[illegible] 96	32[illegible] 7[illegible]	1,079 06	1,[illegible]28	914	5,[illegible]3 63
27	Santa Cruz	[illegible]			960,912				1,475	319,[illegible]	1,1[illegible],[illegible]21	5,[illegible]24 1[illegible]	1,775 2[illegible]	8,[illegible]74 97	540	270	17,3[illegible] 36
28	Yolo	[illegible]	157,327	77,[illegible]	2[illegible]4,[illegible]7		41,100	41,100	11,525	552,[illegible]1	51[illegible],[illegible]43	2,[illegible] 72	8[illegible] 01	2,996 72	724	362	7,973 45
29	Yuba	[illegible]	2[illegible]	2,[illegible]	226,420	323,072	146,705	469,777		1,1[illegible]	1,894,412	9,472 06	2,841 61	9,472 06	2,400	1,200	25,3[illegible] 73
		[illegible]	$5,3[illegible]2,[illegible]	$[illegible]	$[illegible],290,555	$5,53[illegible],193	$2,[illegible],174	$18,[illegible],9[illegible]3	$1,612,663	$[illegible],292,453	$49,231,052	$247,379 54	$73,621 35	$362,967 46	$30,750	$15,379	$737,977 63

(L.) STATEMENT *of the amount of State Taxes chargeable to each County, the payments made on the same during the year, and the amount returned Delinquent for the year* 1851.

COUNTIES.	State Taxes, 65 cents on $100.	Poll Tax returned.	State Tax on Billiards and Ten Pins.	Auction and Gaming Tax.	Additional Assessments.	Total Taxes due the State.	Payments made on the same.	Delinquent State Tax.	Commissions and mileage allowed.	Reductions in Assessments.
Butte	3,470 68	1,992			1,712 82	7,175 50	3,064 75	3,683 14	427 51	
Colusi	2,389 79	202				2,591 79	1,754 09		69 43	
Contra Costa	11,398 71	232				11,630 71	9,690 04	1,514 89	425 58	
Calaveras	1,025 11	947		747 60	679 50	3,399 21	3,173 90		317 48	
El Dorado	4,534 72	2,424	198 00	4,972 88		12,129 60	8,102 76	4,025 82	190 82	
Los Angeles	14,221 89	1,192	245 00	23 77	940 03	16,525 69	10,593 32	3,086 75	928 07	
Klamath	98 85	96			29 65	224 50			224 50	
Marin	4,916 43	194			38 27	5,148 60	4,402 03	557 24	314 63	
Mariposa	1,234 08	864				2,098 08				
Monterey	10,983 61	568		408 76		11,960 37	9,136 51	1,801 79	664 07	834 75
Napa	5,219 41	384				5,603 41	4,790 70	389 47	513 94	65 00
Nevada	4,459 52	3,980		3,000 00		11,439 52	8,310 41	472 26		
Placer	1,977 24	622		3,299 77	709 07	6,608 08	5,522 21	765 57	320 30	
San Francisco	115,665 06	1,332	1,575 00	38,224 29		156,796 35	114,893 64		5,564 28	
Do Emigrant Tax, &c.,						25,391 00	25,391 00			
Sacramento	41,151 65			49,216 05		90,367 70	64,939 70		829 05	
San Joaquin	11,148 72	1,092		3,965 61	908 00	17,114 33	13,389 97	3,326 55	397 81	
Santa Clara	19,072 03	1,728			1,674 00	22,776 15	16,873 26	5,003 90	898 59	
San Luis Obispo	2,993 45	170				3,163 45	2,245 75		5	66 43
Santa Barbara	5,362 52				94 00	5,456 52	3,621 26			196 01
San Diego	5,335 26	52		24 69		5,411 95	2,118 50	2,545 45	748 0.	
Solano	7,638 49	1,092	230 00	531 00		9,491 49	6,897 35	2,006 94	603 19	
Sonoma	10,557 23	968				11,525 23	4,800 00	2,471 76	52 00	
Sutter	4,821 25	1,044				5,865 25	1,000 00	3,825 35	191 36	
Shasta	3,230 62	1,588	112 50	3,019 03		7,950 15	5,185 06	2,227 32	424 77	
Santa Cruz	7,699 39	540				8,239 39	7,085 56	743 61	319 74	
Tuolumne	3,282 02	3,504		2,000 00		8,786 02	3,578 63	3,892 39	194 93	
Trinity	1,402 76	1,828		793 12		4,023 88	1,034 03		304 77	
Yolo	3,895 73	724				4,619 73	2,701 60		354 77	
Yuba	12,313 67	2,400		1,539 94		16,253 61	12,184 46	2,515 23	214 53	
	$321,500 89	$30,759	$2,260 50	$111,769 51	$6,785 34	$499,767 26	$356,480 38	$44,855 43	$15,784 42	$1,162 19

ABSTRACT OF PROPERTY of all kinds, with the total amount of State Tax on same, and Poll Tax, for the year 1852.

	COUNTIES.	Number of acres of Land.	Value of same.	Value of improvements thereon.	Value of city and town lots.	Value of improvements thereon.	Value of personal property.	Total value of all property.	STATE TAX ON SAME.			Total of State Tax, being 30 cents on $100.	Poll Tax assessed for 1852.
									Interest Tax Fund of 1852, at 15 cents	Interest Tax Fund of 1852, at 10 cents.	School Tax at 5 cents.		
1	Butte,	259,516	$241,282	$65,225	none.		$547,448	853,955	$1,281 12	$854 09	$427 04	$2,562 25	$8,342 78
2	Colusi,	248,543	277,823	41,202	$27,335	$34,350	585,840	966,840	1,470 95	980 63	490 32	2,941 90	997 50
3	Contra Costa,	407,490	1,885,105	111 220	105,904	71,325	1,059,644	3,236,198	4,854 28	3,236 19	1,618 10	9,708 57	1,747 20
4	Calaveras,	1,337	4,775	5,675	35,600	203,675	558,725	808,450	1 212 67	808 45	404 23	2,425 35	3,273 90
5	El Dorado,	1,381	24,258	195,507	none.		1,612,036	1,831,801	2,972 70	1,981 80	990 90	5,495 40	9,352 30
6	Los Angeles,	1,533,880	471,459	279,147	51,202	250,745	1,187,998	2,256,125	3,383 50	2,255 67	1,127 83	6,767 00	1,424 70
7	Klamath,	none.				12,900	52,470	65,370	98 08	65 38	32 69	196 15	787 50
8	Monterey,	793,091	470,364	82,634	90,119	204,450	699,353	1,546,920	2,319 95	1 546 63	773 32	4,639 90	10 00
9	Mariposa,		553,566	137,800			454,854	1,146,414	1,719 42	1,146 28	573 14	3,438 83	3,087 00
10	Marin,	319,892	408,974	91,685	12,926	28,190	391,021	932,192	1,399 79	933 19	466 59	2,799 57	821 10
11	Napa,	272,205	722,998	133,933	17,255	33 580	381,281	1,289,018	1,933 57	1,289 05	644 52	3,867 14	940 10
12	Nevada,							956,925	1,435 38	956 93	478 46	2,870 77	3,849 30
13	Placer,							1,365,986	2,048 97	1,365 98	683 00	4,097 95	6,465 90
14	San Francisco,	95,098	508,465	96,890	7,577,651	6,811,015	3,415,716	18,481,737	27,723 60	18,481 74	9,240 87	55,445 20	
15	Sacramento,	200,924	569,623	174 880	2,691,311	1,364,079	2,429,136	7,232,029	10,848 00	7,232 03	3,616 01	21,696 08	6 258 00
16	Santa Clara,	282,548	1,523,914	506,251	118,348	183,130	960,490	3,292,153	4,809 08	3,206 05	1,603 02	9,876 45	
17	San Joaquin,	102,774	263,100	273,775	631,877	417,000	1,227,052	2,813,404	4,218 61	2,812 40	1,406 20	8,437 21	1,623 30
18	Santa Cruz,		659,473				435,621	1,095,094	1,642 64	1,095 09	547 55	3,285 28	921 90
19	San Luis Obispo,	537,457	200,935	43,700	4,495	20,725	346,918	512,324	768 79	512 46	256 23	1,537 39	60 90
20	Sierra,												
21	Siskiyou,			13,135		23,422	442,431	478,988	718 48	479 00	239 48	1,436 96	1,814 00
22	Santa Barbara,	840 373	220 936	17 670	16,943	112 820	621,323	989,686	1,484 53	989 69	494 84	2,969 06	268 00
23	Sonoma,	564,616	700,595	147,050	146,721	70,195	592,930	1,657,091	2,467 17	1,644 78	822 39	4,934 34	928 20
24	Solano,												
25	San Diego,												
26	Sutter,	117 717	372,600	19,905	11,396	12,190	201,803	617,894	926 84	617 89	308 95	1,853 68	428 00
27	Shasta,	36,097	67,450	68,425	47,397	101,565	360,708	645,545	968 32	645 54	322 77	1,936 63	1,394 40
28	Tulare,												
29	Tuolumne,	6,644	199,582	417,000			1,004,329	1,620,911	2,431 36	1,620 91	810 46	4,862 73	
30	Trinity,		31,215				202,661	233,873	350 80	233 87	116 94	701 61	2,240 70
31	Yolo,												
32	Yuba,	98,849	312,533	51,060	387,395	208,275	1,330,003	2,289,966	3,434 86	2,289 90	1,144 95	6,869 71	3,717 00
		6,719,442	10,763,010	2,976,219	11,977,069	10,163,631	21,102,391	59,216,856	88,826 56	59,217 70	29,608 85	177,653 11	60,774 28

(M) VI.

An estimate of the Receipts and Expenditures, for the fourth fiscal year, ending June 30th, 1853.

RECEIPTS.

Proceeds of State Taxes, on a duplicate of sixty-five millions, $65,000,000 a 30c on each $100—delinquent say $55,000,	$140,000
Tax on Foreign Miners,	48,000
Poll tax,	39,000
Consigned Goods,	1,000
Auction Duties,	35,000
Gaming Licenses,	15,000
Passenger Tax,	156,000
Fees in Secretary of State's Office,	150
Total,	$434,150

(N) ESTIMATED EXPENDITURES FOURTH FISCAL YEAR.

EXECUTIVE DEPARTMENT.

Salary of Governor,	$10,000
" Comptroller,	8,000
" Treasurer,	9,000
" Secretary of State,	7,500
" Attorney General,	7,000
" Surveyor General,	7,500
" Superintendent Public Instruction,	4,500
" " Buildings,	4,000
" Quarter-Master General,	2,000
" Clerks in State Offices,	12,500
" Private Secretary to the Governor,	1,800
" Contingent Expenses of Public Offices,	11,000
Printing for Public Offices,	9,800
Total,	$94,600

JUDICIAL DEPARTMENT.

Salary of 3 Justices of the Supreme Court,	$30,000
" 11 District Judges,	71,000
" District Attorney of San Francisco County,	5,000
Contingent Expenses of the Supreme Court,	15,000
District Attorneys, balance due,	21,000
Total,	$142,000

LEGISLATIVE DEPARTMENT.

Per diem of 27 Senators, session of 4 months,	$38,880 00
Mileage do do,	7,445 00
Per diem of 63 Assemblymen, session of 4 months,	90,720 00
Mileage do do,	13,192 00
Per diem of Officers and Clerks of the Senate,	37,000 00
Per diem do do Assembly,	39,000 00
Contingent Expenses of both houses,	8,500 00
Total,	$234,737 00

MISCELLANEOUS EXPENDITURES.

State Printing Laws of 1852,	$6,302 45
" Journals of 1852,	18,500 00
" Stationery for same,	4,000 00
Publishing Laws in Newspapers,	3,000 00
Translation of Laws into Spanish,	4,500 00
Distribution of Laws and Journals,	1,000 00
Payment of interest on 7 per cent. Bonds of 1851,	27,790 00
" " " of 1852,	52,745 00
Removal of Capital to Vallejo,	1,100 00
Land for State Prison in Marin County,	10,000 00
Erection and construction of Prison, complete,	100,000 00
San Francisco State Marine Hospital 3-5ths of tax on passengers,	93,600 00
Sacramento State Hospital, auction, gaming and passenger tax,	56,200 00
" " " general fund,	30,000 00
Stockton State Hospital, auction tax, &c.	43,700 00
" " general fund,	15,000 00
Relief of Foreign Emigrants, balance,	6,939 23
Salary of 3 State Prison Inspectors,	6,000 00
Census Expenses,	80,000 00
Legislative Printing,	32,000 00
Transportation of prisoners to State Prison,	25,400 00
Washington Monument,	4,000 00
Total,	$621,876 68

(O) RECAPITULATION OF ESTIMATED EXPENDITURES.

1. Executive Department,	$94,600 00
2. Legislative Department,	234,737 00
3. Judicial Department,	142,000 00
4. Miscellaneous,	621,876 68
Total,	$1,093,213 68

In the foregoing estimate of receipts, I have rated the taxable property of the State at sixty-five millions of dollars, being an increase of fifteen millions over the assessments of 1851.

The returns from the several counties have not all been received. Several have already returned largely increased assessments, while a few have considerably diminished their valuations of property, as contrasted with the previous year. Upon the whole, I am of the opinion, that the Grand Levy for 1852, will very closely approximate to the amount of the estimate, from which deducting a probable delinquency of 55,000 dollars, will leave a total revenue from property and personal tax of 140,000 dollars, five-sixths of which goes to the Interest Tax Funds, and the remaining one-sixth to the School Fund.

The estimated revenue from foreign miners, it is believed from present indications can be fairly calculated upon, and the probable sum that will be realized from polls—being an increase of over 13,000 dollars as compared with the year 1851—may be confidently depended on.

But an inconsiderable sum has as yet been received from the tax on consigned goods; and the conclusion seems to be irresistible, that this favorite revenue measure will greatly disappoint the calculations of those who had ardently expected a large accession to the General Fund from this source, unless the provisions of the bill are materially changed and made more summary and stringent in their operation.

The total revenue from Auction and Gaming taxes, is estimated in round numbers at fifty thousand dollars. These items of revenue have been regularly diminishing for some time past from a combination of causes that will be obvious to all, and we cannot reasonably anticipate that they will yield for the present year, anything beyond the above estimate. This income is derived almost entirely from the commercial towns and cities of the State, several of which have latterly been visited with severe and disastrous conflagrations, and the second one in importance and wealth has been almost entirely swept from existence.

Moreover, it must be observed, that there has been a gradual and steady diminution in the mere business of gaming—as licensed by our laws—well understood by every one, and which must continue until that source of revenue is eventually extinguished. The utmost that can be reasonably anticipated from the tax on Auctions and Gaming, will be 37,500 dollars to the State Hospitals at Sacramento and Stockton, and 12,500 dollars to the General Fund.

I have rated the revenue arising from the passenger tax at one hundred and fifty-six thousand dollars, founding the estimate upon the returns of the last six months which have yielded over one-half that sum, though the actual collections may fall several thousands below that amount. I have no reliable data on which to base an accurate calculation of what will be received during the residue of the year; but it is confidently expected that the usual accessions to our population by an ocean immigration will continue without any material diminution, which will probably enable us to realize the full estimate from the Passenger tax, all of which accrues to the Hospital Fund; three-fifths of the same being, by law, apportioned to the State Marine Hospital at San Francisco, and the remaining two-fifths to the Hospitals at Sacramento and Stockton, in equal portions, to be expended for their "maintenance and support."

The amount estimated as necessary for the Executive Department, is nearly the same as the sum expended during the late fiscal year—the law retrenching the salaries of the officers in this department not going into operation until the termination of existing incumbencies.

The expenditures for the Judicial Department are estimated with reference to the reduction that will occur in judicial salaries after the 1st day of January next, and are reduced over thirteen thousand dollars, as compared with the preceding year. No allowance has been made for the compensation of District Attorneys, who are now remunerated for their services by the several counties, except for a balance due them previous to the enactment of the present salary law.

The expenses of the approaching Legislature will be considerably reduced as compared with the last session, the per diem being diminished one-fourth, and the mileage one-half the rates allowed by the law of 1850, saving to the State—during a session of four months—over the sum of seventy-two thousand dollars, in the items of per diem and mileage.

The amount adjudged to be necessary for the execution of the printing of the Laws and Journals of the late General Assembly, is believed to be nearly accurate, and the bills for the same, when audited, will fully amount to the estimate of $28,802 45, being near $15,000 less than the cost of the Laws and Journals of the session of 1851.

Three-fifths of the revenue arising from the tax on passengers is appropriated by the Act of May 3d, 1852, to the State Marine Hospital at San Francisco, which,—should the usual ratio of receipts continue—will contribute to that institution the sum of $93,600 for the current year, which is drawn monthly on the order of their Trustees.

One-fifth of the passenger tax, together with one-half the nett proceeds of the auction and gaming tax throughout the State, and also the additional sum of thirty thousand dollars annually out of the General Fund, is appropriated to the State Hospital at Sacramento, and the remaining one-fifth of the revenue from passengers, one-fourth of the total proceeds from auction and gaming, and the additional amount of fifteen thousand dollars annually from the General Fund, is the total appropriated for the benefit of the State Hospital at Stockton.

The remaining estimates for Census expenses, interest on Funded Debt, Legislative Printing, transportation of prisoners, &c., are founded upon substantial data, and may be relied on as correct. From a consideration of the particulars disclosed in the above tables, and throwing out of the estimate all revenue to be derived from lands—which are pledged by the explicit language of our Constitution to the support of Common Schools, and cannot legitimately form a part of any permanent system of taxation for the support of government—it will be discovered that there will be a deficiency of revenue, as compared with our estimated expenditure during the current fiscal year, of over six hundred thousand dollars.

VII.

Tabular Statement of the total number of School Land Warrants sold and the proceeds thereof, up to December 15th, 1852, inclusive, under Act of May 3d, 1852.

Land War'ts for 160 acres, No. of.	Land War'ts for 320 acres, No. of.	Acres, Total No. of,	Proceeds, Amount of, in cash.	Proceeds, am't of, in Comptro's Warrants.	Proceeds, Total amo't of.
372	111	95,040	$53 47	$190,026 53	$190,080 00

Though the indebtedness of the State to the above amount has been redeemed, the same is really a State debt to the School Fund, and I have added the amount thereof to the statement of the aggregate amount of our State debt existing on the 15th of December, 1852. The interest on the amount of lands sold at 7 per cent. will be credited to the School Fund at the close of the fiscal year.

VIII.

GENERAL REMARKS.

From an inspection of tables (A and C) it will be perceived that, while for the last fiscal year our total receipts were but $366,825 07, our actual expenditures for the same period amount to $925,694 56; and also that while our aggregate receipts for the last three fiscal years have amounted to $790,777 79, our total disbursements during the same time have been $1,859,562 65; and further than this, that while our probable receipts during the current year may amount to over four hundred thousand dollars, our expenditures for that time will certainly be at least one million of dollars, and possibly one hundred thousand dollars additional; in other words, that we have been regularly and steadily contracting an average indebtedness of *three dollars* for every dollar's income.

It must be remembered that the entire proceeds of all the property tax of the present year, are devoted to the benefit of the Interest Tax Funds, and a fraction of five cents to the School Fund;—leaving the tax on Foreign Miners, the Poll Tax, and a meagre fraction of the Auction and Gaming Tax, together with a few other inconsiderable sources of revenue, as the sole and only contributions to the General Fund, which must bear all the burdens of the current and daily expenses of all the machinery of our State Government.

The proceeds of the lands donated to the State by the Act of Congress of 1851, it will be observed, are inviolably appropriated by the pledges of our Constitution to the support of Common Schools throughout the State, and should not be considered as a distinct feature in any permanent plan for the creation of revenue for the support of Government.

There remains then but these few latter sources of revenue to the General Fund, from which a total income will probably be realized during the current year, of but little over $120,000 for that Fund; and yet the actual drafts upon that Fund for the same period, will certainly amount to at least $800,000, and possibly more; being the unprecedented and enormously disproportionate issue of near seven to *one*, (7 to 1.)

This representation of the dilapidated condition of our State finances, demands the immediate attention of yourself and that of the Legislature; and the proposition is evident that a reformation in our policy must be at once determined on, which should be immediate, complete and effective; or otherwise our credit must depreciate still lower, and we shall speedily fail to realize to our creditors, and to those who are devoting their whole time and energies to her service, anything like an approximation to that compensation which she nominally professes to pay them.

The solemn faith and credit of the State must be sustained, and any future current indebtedness should be fairly and honorably met and discharged as fast as it accrues. The emergency which exists cannot be evaded, but demands an adequate and complete remedy. We must provide for the *increase* of our *revenue* and the *immediate retrenchment* of our *annual expenditures* to such an extent as to bring the latter within the limits of our income.

I respectfully recommend that the per centage of taxation for State purposes be increased from *thirty* to *fifty* cents on the one hundred dollars of valuation. The latter sum being the rate levied for the years 1850 and 1851, is certainly but a reasonable State Tax, considering our present necessities, and is an ordinary rate of taxation in most of our sister States. This increase on what will probably be the amount of the duplicate for the ensuing fiscal year, will bring into the Treasury an additional annual revenue of over *one hundred and forty thousand dollars*, allowing for delinquencies. The proceeds of this increased taxation should be apportioned entirely to the General Fund.

I would also recommend the repeal of that provision in our present revenue law, giving five cents or *one-sixth* of our total levy upon real and personal property to the School Fund, and that this sum be also turned over to the General Fund.

If it should be decided not to enlarge the rate assessed for the Interest Tax Fund of 1852, but to rely upon the joint proceeds of both funds for the payment of the interest on our entire Funded Debt; this division would give one half of this revenue from real and personal property to the Interest Funds, and the residue to the General Fund, which has to bear all the burdens of the current expenses of our State Government.

With reference to this recommendation of a future diversion of the School Tax to the General Fund, it may be remarked that our Constitution has made all the just and liberal provisions for the endowment and support of Schools, that our present limited resources will at all warrant or justify, in pledging for this purpose the sixteenth and thirty-second sections of all Public Lands within the State—by virtue of the legislation of Congress upon this subject,—and the proceeds of the five hundred thousand acres granted to this and all other new States, by the Act of 1841,

together with all *escheated estates*, and also whatever per cent. may hereafter be donated by the General Government to our State, on all sales of Public Lands within our limits.

These liberal provisions for this purpose are certainly all that ought at this time to be expected from the utmost generosity of the State, and the propriety, and even necessity of this recommendation, will commend it to your favorable consideration, and that of the General Assembly.

A revision of the existing laws creating a revenue from Licenses and Consigned Goods is earnestly suggested in this connection, with a view to the immediate augmentation of our annual receipts into the Treasury, and that the proceeds be given to the General Fund.

The refusal on the part of large capitalists residing abroad, who have consigned large quantities of goods and merchandise to our markets, and who enjoy the profits derived from an extensive and lucrative business with our people—to bear their proper share of taxation for the support of the Government by which they are protected; and attempting to resist its collection by a resort to the subterfuges of vexatious litigation, supported with all the power of associated wealth, is certainly an unworthy endeavor to deprive our infant State of its just revenue; while at the same time it proves oppressive to those citizens of limited capital whose possessions are taxed to the utmost of their value, and who claim no immunity in this respect.

By reference to the supplemental Table of Receipts since the 1st day of July last, it will be seen that there has been an almost entire want of uniformity exhibited in collection for Merchants' licenses, Pedlars of goods of all kinds, Express Licenses, Consigned Goods, Billiards and Ten Pins, and Bankers' Licenses. But a small fraction of what should be realized from these several sources has as yet reached our Treasury. A proper license law might be devised to reach these and sundry other objects of taxation—bills of exchange among the number—and secure a greater uniformity in the collection of revenue from these sources throughout the State.

Upon mature consideration, I would very respectfully suggest, that *Comptroller's Civil Warrants* be made receivable for all taxes and revenues due the State, after the expiration of the present fiscal year, including the auction and gaming tax, except the tax on passengers appropriated to the several State Hospitals, and the Interest Tax Funds of 1851 and 1852.

I am aware that this measure is liable to some abuses, which have made it objectionable heretofore, but on the whole it seems to be a matter of simple justice to the tax payers of our State, on whom we propose additional burdens, to authorize the reception of Warrants in payment of all revenue due the State, with the exception of the Funds above specified, especially as we shall be obliged to deny the privilege of *funding* to the holders of all Warrants issued for indebtedness accruing after the first day of January, 1853.

This measure of relief will materially increase the amount of revenue that will be received during the coming year, should the same be adopted.

During the second Fiscal Year, when Warrants were receivable for all State dues, the total revenue of the State from all sources amounted to $330,796 45; while within the succeeding year—with cash payments—and with the addition of all the increased subjects of taxation and increas-

ed facilities of collection, the total revenue amounted only to $366,825 07; an increase of but a fraction over $36,000 00,—a sum not correspondent with the progress of the State in commercial and agricultural wealth, and which undoubtedly would have been larger by many thousands, had Comptroller's Warrants—instead of cash exclusively—continued to have been receivable for State dues.

The object of all taxation is to support the Government, then why not make Warrants issued for this very purpose, a legal tender in discharge of the burdens imposed thereby.

It is considered as a settled fact, that no more of our public debt should be Funded, after the indebtedness created previous to the first day of January next shall have been absorbed in this manner.

It is certain that an annual interest tax of near *one hundred thousand dollars* will be required, regularly, to liquidate the interest accruing on the entire Civil Funded Debt that will be created before the close of the current fiscal year, by virtue of the existing statute for that purpose, in connection with the interest due the School Fund.

This *annual impost*, being more than one-fourth our yearly revenue, is certainly all that the present or indeed future ability of the tax-payers of our State can possibly sustain, in the shape of *interest tax*, and demonstrates the impolicy of any increase of our Funded Debt, by further Legislative action.

If the State cannot, consistent with her present obligations, dispose of her indebtedness to accrue after the first of January next by funding the same, it seems but reasonable that she should authorize the warrants issued therefor, to be received in discharge of all public dues, with the exceptions above specified.

It is confidently believed that, by the adoption of these suggestions, our annual revenue can be increased to at least five hundred thousand dollars; and the question recurs, how can our annual expenditure be reduced to this standard? This can be effected by materially diminishing the number of officers, and increasing the duties of those that are continued; by retrenching salaries and bringing all down to a *cash standard*, by simplifying the operations of every branch of the public service, as far as is consistent with their proper administration, by abridging the enormous sums heretofore paid for State Printing, by curtailing the disproportionate expenditures of our State Hospital system, and finally by diminishing our Legislative expenses, and discontinuing the further encouragement of a *multitudinous host of Relief Bills*.

Should the same issue of Comptroller's Warrants continue to be required, with a revenue inadequate for their redemption—after paying the interest on our School and Funded Debt—the result will, at no distant period, be alike discreditable and disastrous to our credit. It may be urged in extenuation of our past system of extravagant expenditures and appropriations, that our warrants have, during the last six months, borne a price in the market more favorable than heretofore, but it should be remembered, that this has resulted from the mere fact alone, of their being immediately convertible into seven per cent. bonds, for which issue there is adequate security in the tax laid upon property for the payment of accruing interest and

ultimate redemption of the principal. These have found their way to a market, more than usually plethoric the past year.

The fact cannot be disguised that their present value is in no degree attributable to any advantages derived from revenue, other than the interest tax and the Sinking Fund, but that each dollar has been thus secured and enhanced by the process of *funding*, and thus exhausting the remnant of credit that had survived former improvident drafts.

Our civil bonds are well secured by the tax of twenty-five cents on the one hundred dollars, imposed for payment of interest, and the resources reserved for the Sinking Fund designed for their redemption at maturity; yet it may be assumed, that the aggregate amount of this issue will soon have attained a limit—under operation of present laws—as extended as can be secured by taxation for the payment of interest, and at the same time leave an adequate revenue for defraying the current expenses of government, however much the same may be abridged or retrenched.

To increase our interest tax, for a further funded debt, would be placing more burdens upon the people than could possibly be sustained by them. The policy of creating a large debt to be paid by a heavy taxation at a future period, and of devolving onerous and oppressive burdens on posterity, to cripple their energies, is one of doubtful propriety and is condemned by all.

The opinion seems to be universal with the people, that the time has arrived for arresting that system of extravagant and improvident expenditure that has hitherto characterized our government, and that a *substantial and rigid economy* should now be instituted and practised in its stead.

Nor is it sufficient thus to deal in generalities, but to be specific.

The table subjoined, marked (P), will disclose at a glance, the *present annual cost* of our State Government, at the existing rates, and an estimate of the standard to which the same could be reduced, without any detriment to the public service, if the rates of compensation were brought down to a *cash basis;* which must be done, if we design to sustain our credit and curtail our expenditures to the limits of our annual income.

It will be discovered from an inspection of the table, that our *present annual expenditure*—averaging over *one million of dollars*—can, with a proper system of economy and retrenchment, be reduced to *one-third of that sum:* and, if our revenues are increased by the adoption of the measures recommended in a previous part of this report, we will be able to defray the whole expense of our State Government as fast as it accrues, and possess a sufficient surplus to meet all possible contingent expenditures, that may be demanded by any future exigency.

[P.]

NATURE OF SERVICE.	Rate of compensation for 1852.	Per diem last Session.	Retrenched rate now recommended. Per ann.	Per diem.	Amount annually saved	Total saved.	Remarks.
EXECUTIVE DEPARTMENT.							
Governor,	$10,000		$5,000		$5,000		
Contingent Fund,	5,000		5,000				
Contingents of office,	2,382		2,000		382		
Secretary of State,	7,000		3,500		3,500		
Contingents of do.	1,512		1,500		12		
Comptroller,	8,000		4,000		4,000		
Contingents of office,	1,289		1,500				
Treasurer of State,	9,000		4,000		5,000		
Contingents of office,	848		750		98		
Attorney-General,	7,000		3,000		4,000		
Contingents of office,	1,708		750		958		
Surveyor-General,	7,500		fees		7,500		Note (a.)
Contingents,	1,049		none		1,049		Note (a.)
Superintend't Pub. Instruction,	4,500		2,500		2,000		Note (b.)
Contingents of office,	1,076				1,076		Note (b.)
Superintendent Pub. Buildings,	4,000				4,000		Note (c.)
Quarter-Master-General,	2,000				2,000		Note (d.)
Contingents of do.	260				260		Note (d.)
Clerks of Department,	7,500		7,500			$41,335	
JUDICIAL DEPARTMENT.							
Three Supreme Judges,	30,000		18,000		12,000		$6,000 each.
Eleven District Judges,	82,500		50,000		23,000		Rate for 6 years.
District Attorny. S. F. County,	5,000		3,000		2,000		
Contingents of Supreme Court,	12,709		5,000		7,709		
Do. District Court,	1,975		repeal'd		1,975	46,684	
LEGISLATIVE DEPARTMENT.			Sixty Days' Session.				
Senators, per diem,	59,488	$16	12,960	$8	46,528		Note (e.)
Assembly, per diem,	122,295	16	30,240	8	92,055		Note (e.)
Mileage,	41,210	80c per mile	15,453	30c per mile.	25,757		Note (f.)
Secretary of the Senate,	5,312	22	960	8	4,352		Note (g.)
Ass't Secretary "	3,120	20	960	8	2,160		Note (h.)
Serg't-at-Arms "	3,342	20	480	8	2,862		
Door-keeper "	1,936	16	360	6	1,576		
Chaplain "	1,920	16	abolished		1,920		
Engrossing Clerk "	1,936	16	480	8	1,456		
Enrolling do. "	1,936	16	480	8	1,456		
5 Committee do. "	9,654	17			9,654		Note (i.)
3 Porters "	4,056	10	1,000		3,056		Note (j.)
2 Pages "	3,597	13	480	4	3,117		
Extra clerks "	822	16	1,000				Note (k.)
Chief Clerk Assembly,	3,963	22	960	8	3,003		Note (g.)
Ass't do. "	2,420	18	960	8	1,463		Note (h.)
Serg't-at-Arms "	2,750	18	480	8	2,270		
Door-keeper "	2,117	16	360	6	1,757		
Engrossing Clerk "	2,178	16	480	8	1,698		
Enrolling do. "	2,178	16	480	8	1,698		
3 Recording do. "	4,900	16	480	8	4,420		Note (l.)
1 Reading do. "	2,351	18	abolished		2,351		Note (m.)
1 Copying do. "	1,552	16	"		1,552		Note (m.)
4 Committee do. "	6,302	16			6,302		Note (i.)
2 Pages "	2,440	10	480	4	1,960		
4 Porters "	4,686	10	1,200		3,486		Note (j.)
Extra clerks "	1,746	16	1,500		246		Note (k.)
Contingents of Legislature,	5,553		3,000		2,553		Note (n.)
Furniture bills of Whitney, Taaffe & Co., &c.,	29,944				29,944	261,212	Note (o.)
PUBLIC PRINTING.							
Executive Department,	8,867		4,000		4,867		
Legislative,	43,481		10,000		33,481		Note (p.)
Laws and Journals of 1852,	28,802		6,000		22,802		Note (q.)
Laws in Newspapers,	40,668				40,668		Dispensed with.
Spanish Laws,	8,278		2,000		6,278		
Foreign Miners' Licenses,	8,095		2,000		1,095		
Census Blanks,	11,000				11,000		None wanted.
Blank Forms,	2,295		500		1,795	121,986	
MISCELLANEOUS.							
Transportation of Prisoners,	16,008		8,004		8,004		Note (r.)
Insane Asylum,	7,000		10,000				Note (s.)
State Hospital,	190,000		50,000		140,000		Note (t.)
State Prison Inspectors,	6,000				6,000		None needed.
Relief Bills,	13,900				13,900		Note (v.)
Removals of Capital,	4,661		1,000		3,961		Note (w.)
Emigrant Relief,	25,000				25,000		No more needed.
Expense of Census,	80,000				80,000	273,565	
	$1,089,127		$295,237		$744,282	$744,282	

RECAPITULATION.

Executive Department,	$81,624	$41,000	$40,835
Judicial do.	132,184	85,500	46,684
Legislative do.	336,264	75,233	261,212
Public Printing,	146,486	24,500	121,986
Miscellaneous,	342,569	69,004	273,565
	$1,039,127	$295,237	$744,282

This table will satisfy every reasonable person that our present average annual expenditure of over $1,039,000 can be reduced with proper and ordinary economy to the sum of	$295,000
To this add the annual interest accruing on our Funded and School Debt, say $1,450,000 at 7 per cent.,	101.500
Leaving the legitimate annual cost of the State government,	$396,500

Which can be the standard attained by a proper course of legislation commenced now, and continued as rapidly as the same can be effected by operation of law.

NOTES.

NOTE (*a*). The office of Surveyor General is a constitutional one and must be filled. The compensation might consist in part of fees. The Map of the State has been completed, as contemplated by the law of last session, and no more expense will be necessary on this score. As considerable labor has been bestowed in the accurate preparation of the same, I would suggest that the copy-right thereof be disposed of, and the work be published as an individual enterprise. The State realizing the benefits of the sales. Amount saved, 6,549 dollars.

NOTE (*b*.) A liberal policy should be pursued by the State, in the sale or lease of such lands as may be donated for the endowment of a State University, and the support of Common Schools. New and increased duties will devolve upon this officer the coming year, but, notwithstanding this, the duties of the office might be discharged by the Secretary of State. Saved, 2,000 dollars.

NOTE (*c*.) The office of Superintendent of Public Buildings expires by limitation on the 1st of January next, and should not be renewed.—The Secretary of State is already authorized to advertise, annually, for proposals for all supplies of stationery, fuel, &c., for the use of the Legislature; and together with the Comptroller, is constituted a board to award contracts for supplies of this character. He could also be authorized to have the State House prepared for the accommodation of members.—Amount saved, 4,000 dollars.

NOTE (*d*.) The duties of, could be devolved on the State Treasurer, and the Quartermaster General's Office abolished. Amount saved, 2,000 dollars.

NOTE (*e*.) The pay of members is reduced to a per diem of twelve dollars for the approaching Legislature, and should be further reduced to eight dollars per diem, as the proper *cash basis* for all subsequent sessions. A session of *sixty days* duration is believed by the great mass of the public, to be all that a proper despatch of the public business requires. Should the length of legislative sessions be abridged to sixty days, and the per diem to eight dollars, there would be an annual saving effected in the pay of members of the Senate and Assembly, of one hundred and thirty-eight thousand five hundred and eighty-three dollars.

A per diem of eight dollars is as great a sum as has ever been actually realized by members, from the sale of the warrants issued for their services—fifty cents on the dollar having been the ruling price for the last two sessions.

NOTE (*f.*) Mileage could be reduced to thirty cents per mile, making a saving, as compared with last session, of 25,757 dollars.

NOTE (*g.*) I have estimated for the Secretary of the Senate sixty days after the close of the session, to bring up the Journals and all unfinished business, at the same rate of compensation. Also same estimate of time and pay for Clerk of Assembly.

NOTE (*h.*) The rates and time of the Assistant Secretary of the Senate estimated the same as the Secretary. Also same estimate for the Assistant Clerk of Assembly.

NOTE (*i.*) The Committee Clerks of both houses are an unnecessary charge upon the Treasury, and should be dispensed with. It is an office entirely unknown in most of our sister States, where the duties devolving on committees are infinitely more arduous than in ours, and even some of the most responsible and laborious Committees of Congress, whose duties are of the most onerous character, employ no clerk. Amount saved 15,956 dollars.

NOTE (*j.*) The sum of 1,000 dollars for the Senate, and 1,200 dollars for the Assembly, is amply sufficient for pay of necessary porters in attending to the rooms, lights, &c., and the President of the Senate and Speaker of the House respectively, should be authorized to contract for the same at a price not above this limit. Numbers could be found who would willingly undertake the duties at the above rates. Amount saved, 6,572 dollars.

NOTE (*k.*) The sum of 1,000 dollars for the Senate and 1,500 for the Assembly, is sufficient to provide and pay for all extra enrolling and copying clerks necessary for both Houses. They are only needed at the close of the session, and a number amply sufficient could be employed and compensated at the rates estimated above, who could also perform all the duties of committee clerks, copying, &c.

NOTE (*l.*) One recording clerk is amply sufficient to discharge all the duties required during the session. Amount saved, 4,420 dollars.

NOTE (*m.*) A reading clerk is unnecessary and should be abolished. Amount saved, 2,351 dollars.

NOTE (*n.*) Contingents, if purchased as suggested in Note (*d,*) with an ample supply for the session, and delivered to the care of the Sergeant-at-Arms of either House, need not cost more than the sum estimated.—Amount saved, 2,553 dollars.

NOTE (*o.*) The furniture bills of the last session of the Legislature, cost the large sum of 29,944 dollars. If supplies were purchased by proposals invited as in note (*d,*) and the same preserved, the greater part of this amount could be economised, and the amount estimated in Note (*n,*) for contingents, would be ample to cover all expenses of additional furniture. Amount saved, 29,944 dollars.

Note (p.) The cost of Legislative printing is excessively high, and should be reduced. The sum of 10,000 dollars is ample to pay for all necessary printing of bills, reports, and other matter for the Legislature, and more than is expended for that purpose in three-fourths of our sister States. Amount saved, 33,451 dollars.

Note (q.) The printing of the Journals of the Senate and Assembly is an entirely useless and unnecessary work, as they are but rarely referred to, and their further printing should be discontinued. The Journals of 1851 cost 20,812 dollars, and the Journals of 1852 will cost about 22,000 dollars, sums not justified by any necessary demand for them. The laws of each session can be printed for 6,000 dollars, about their cost under the present law.

By prohibiting the printing of the Journals, a saving would be effected of 22,812 dollars; and the copy of the same deposited with the Secretary of State, would be sufficient for all practical purposes.

Note (r.) One dollar per mile for transportation of prisoners is now allowed by law, and should be at once reduced to fifty cents, which would be a very liberal allowance from the State. Amount saved 8,004 dollars; and if paid by the counties the whole amount would be saved.

Note (s.) The appropriation for the Insane Hospital at Stockton should be increased to 10,000 dollars annually. See remarks on same.

Note (t.) An appropriation of 50,000 dollars would be all that would be demanded for a single Hospital, to be supported by the "passenger tax" alone, and not from the General Fund. If a system of poor laws were adopted, as recommended under the head of Hospitals, one institution of this kind would be sufficient. Annual saving, 140,000 dollars.

Note (u.) The whole train of special relief bills, which have consumed so much of the public time and money heretofore, should be discontinued and discountenanced. Amount saved, 13,900 dollars.

Note (w.) This item is the aggregate cost of the removals of the State Capital in the year 1852 only. Should there be another removal, the expense thereof should be limited to 1,000 dollars, although it might probably be done for a less sum. Amount saved, 3,661 dollars.

VIII.

LEGISLATIVE RETRENCHMENT.

Three years have elasped since the adoption of our Constitution and organization of our State Government, and during over twelve months of that period has the Legislature been in constant session, at an average cost of over $2,613 02 per day; and if we include the expense of the publication of the laws and journals—at an average cost of $3,027 62 per day, for one entire year.

It will be seen by reference to the table annexed, (marked R,) that the three Sessions of the Legislature—including the necessary items of printing and contingents—have cost the State the enormous sum of $1,105,082 21, being near two-thirds of the entire expense of the whole State Government during the first three fiscal years of its existence, as exhibited in Table (F.)

Legislation in this State, instead of being an incidental power in the administration of the Government, has heretofore been its leading business and distinctive characteristic. By a glance at the expense of this body, including all contingents appertaining to the same, it is evident that its annual cost, if yearly continued, must fall with crushing weight upon the treasury. The enactments of one Session are no sooner distributed among the people, than they are modified or repealed by the action of the succeeding Session; thus rendering their operation conflicting and unstable, and the duties of their enforcement embarrassing and difficult to the officers charged with the execution of the same, and to the public, who are especially affected thereby; thus virtually defeating the very objects of their publication.

Yearly Sessions encourage special legislation, with all its train of attendant evils, involving the State and her credit with schemes of private speculation, and diverting her revenues into partial and illegitimate channels, thus ministering to the special interests of the few, while the great mass of the people, who must sustain all the onerous burdens imposed by a heavy taxation, do not receive their proper share in its disbursement.

Attractions of this character, multiplying yearly numbers of private claims—all founded upon the hope and belief of their ultimate recognition and payment—have induced a willingness and anxiety on the part of other claimants to render unbidden and unsolicited service, and incur unauthorized expenses, with the assurance that the same would receive legislative sanction and remuneration by the usual process of a relief bill.

Even had we a plethoric treasury, such a system of partial, unjust and unequal legislation and subversive of the true and legitimate end and aim of government, should be at once *reformed;* and that reformation is indeed the more pressing and imperative, since the treasury is almost depleted of every farthing, and our credit strained to its utmost limits. Our own experience, as well as that of other States, demonstrates the sound policy, as well as absolute necessity, of providing by the regular constitutional channel

for the substitution of *biennial* instead of annual Sessions of the Legislature, as a means of relieving ourselves, to a great extent, of the evils attendant upon superfluous and excessive legislation, as well as on the score of its economy. It is not doubted, that if this question was fairly submitted to the people, it would meet with an almost unanimous manifestation of their approbation of the measure; and, until such a reformation is accomplished, the duration of our Legislative Sessions should be abridged to, at least, a period of *sixty days*.

The single fact, that there was paid to the officers, clerks and contestants of the last Legislature, the sum of $85,000—at least two-thirds of the gross amount that will probably be received into the General Fund for the present fiscal year—is sufficient evidence that some immediate and radical change in this respect is imperatively demanded.

(R.) EXHIBIT

Of the Expenses of the Legislature, since the organization of the State Government.

LEGISLATURE OF 1850.

Per diem of Members and Officers, and mileage,	$170,749 60	
Contingents,	45,057 34	
Legislative Printing,	74,114 37	
Laws and Journals of same,	30,222 85	
		$320,144 16

LEGISLATURE OF 1851.

Per diem of Members and Officers, and mileage,	$188,639 40	
Contingents,	24,285 08	
Legislative Printing,	70,700 66	
Laws and Journals of same,	43,358 08	
Printing Laws in Newspapers,	48,946 01	
		$375,929 23

LEGISLATURE OF 1852.

Per diem of Officers and Members, and mileage,	$301,247 28	
Contingents,	5,532 97	
Legislative Printing,	43,481 26	
Laws and Journals of same,	28,802 45	
Furniture, &c., for same,	29,944 86	
		$409,008 82
Total,		$1,105,082 21

STATE HOSPITALS.

The entire expenditure during the late fiscal year for the Hospitals at Sacramento and Stockton, amounted to $90,789 75. See Table (B.)

But since that time, the law imposing a tax on passengers has gone fully into operation, (the proceeds of which are given entirely to the Hospitals,) and upon the supposition that the income from this source will average hereafter the amount that has been received during the first six months of its operation; and including their proportion of the estimated receipts from the Auction and Gaming Tax, it will be seen by the Table (N,) of Estimated Expenditures, that the aggregate appropriations for our Hospitals, for the present fiscal year, will reach the sum of $193,500; and if we include the sum of $45,000 appropriated annually out of the General Fund on certain conditions, the gross amount will reach the sum of $238,500 for a single year—a liberal bounty, certainly, for the humane purpose of rendering necessary aid and support to the indigent sick.

The argument in favor of this increase of our indebtedness has been found in the fact, that at an early period in the settlement of our State, with a large immigration suddenly crowded within our limits, afflicted with disease contracted in a voyage through the tropics, or by a long and exhausting journey across the continent, with but limited preparation therefor; thus predisposing them to the diseases incident to such exposure; a necessity existed for the adoption of immediate and expensive measures for their relief by the State.

This necessity having in a great measure abated, and our population having becoming more fixed and settled, the means of local support and protection having been multiplied in most portions of the State, these urgent demands heretofore existing must in a great measure cease.

It is believed that the appropriations made for these objects the present year, are much larger than is consistent with a proper economy, and that their application solely to the Hospitals now existing, is rather partial and unjust towards other portions of the State. But few of the counties are now the recipients of any of the benefits resulting therefrom. The fact is notorious, that in many counties private subscription is now, and ever has been, the only resource to provide adequate relief for the indigent sick, and in a few localities they have even erected buildings for their accommodation at an individual expense. The debt created for the maintenance of our Hospital system, falls as heavily upon one portion of our citizens as another, and therefore the benefits resulting therefrom should be equally distributed to each county, according to population—if the present appropriations are to be continued.

A disposition seems to prevail, to obtain from the treasury sums much greater than are simply necessary for the support and maintenance of the

sick, and to expend the surplus in the erection of buildings, of a character more magnificent and expensive than is consistent with our embarrassed financial condition, or demanded by present exigencies.

Large amounts of these appropriations are absorbed in the payment of the high salaries of an extensive train of officials—some of them entirely unnecessary—and in the execution of contracts made for the erection of buildings, on a scale more extensive than the appropriations therefor will justify; thus diverting the revenue afforded by the munificence of the State from its proper purpose, and applying means which were intended solely for the benefit and support of the destitute sick, to other objects.

The conclusion seems to be inevitable, that the whole system of the present organization and endowment of our Hospitals, is liable to many serious objections, and that the proper time has arrived to attempt a reformation thereof.

When the existing State Hospitals were established, the greater part of the destitute sick of the State were concentrated at two or three points, then prominent in population and commercial importance, and hence the burden of their support was thrown upon the charity of a few localities exclusively. It is not doubted that the Legislature, at the time, acted wisely and properly in relieving those localities from the exclusive support of the sick, who, under the circumstances then existing, had been a charge upon individual charity.

But material changes have since occurred in the relative position of our population; many sections, at that time unoccupied, having been extensively settled, and new counties created—with all the machinery of an efficient county government in full operation—and most of them are so remote from our present Hospitals, as to create serious inconvenience in the transportation of the sick to those institutions, thus operating practically to debar them from a full participation in all the benefits appertaining to a system supported by the common contributions of the entire State.

As the object of legislation on this subject is to do the greatest good to the greatest number, and as these responsibilities should fall equally upon all, it is suggested that a system of *Poor Laws* could be devised and put into successful operation, by which the indigent sick could be maintained by the several counties themselves, which they could easily do, if the *passenger tax* were apportioned annually among them according to their population. With the aid of this assistance from the State, it is believed that under a proper system managed with ordinary economy, the counties themselves could undertake and discharge all of these duties to the sick within their own borders, relieve every case that may demand the application of their charity; and thus enable us materially to abridge and diminish the extent of our present Hospital system, if not abolish it entirely, with the exception of the Insane Asylum. This would give to each section of the State a proper share in the distribution of its gratuity, relieve us of many of the evils and abuses of the present partial and objectionable establishment, and prevent the imposition of the double responsibility resting on many counties, of supporting their own invalids by private charity and bearing their proportion of the support of the several State Institutions.

INSANE ASYLUM.

By the provisions of the Act passed May 3d, 1852, an appropriation was made for the erection of an Insane Asylum at Stockton, "provided the expense of erecting the same does not exceed the sum of *ten thousand dollars.*"

I have already audited and paid $7,500 of that sum, and have made payments on the same, only as the building progressed to its completion. Having been informed that a contract had been made for a sum exceeding this limit made by the Legislature, I have deemed it my duty to reserve a portion of the appropriation, until the building had advanced to its final completion, believing that the State required a finished Hospital, when final payment was made.

It is evident that a partly finished building would not realize to the unfortunate insane all that was intended by the State in the exercise of her charity. The Comptroller has deemed it incumbent on him to adopt a course which would secure the completion of the building within the limit established by the General Assembly, thus saving the State from evils of an unfinished structure, requiring the interposition of a *relief bill* to make it at all useful to this unfortunate class of our citizens, whose necessities demand our immediate sympathy and protection.

I would most urgently recommend that the annual appropriation for the support of the Insane be increased to the sum of ten thousand dollars, to be paid out of the proceeds of the passenger tax, and not in scrip from the General Fund to be sold at a ruinous discount.

WAR DEBT.

The total amount of War Warrants issued by the Comptroller to date, is $520,527 85; and our total audited War Debt, on the 15th of December, 1852, amounts to $771,190 05, as per table (H.)

This debt was incurred by the State, in her exertions for protecting our defenceless frontier against the hostile incursions of the several Indian tribes inhabiting our borders, in the years 1850 and 1851.

From the remote distance of the authority of the General Government from the scene of operations, and from the fact that the functionaries of that Government then in military command here, were unable at that juncture to afford any adequate assistance to the State for purposes of defence—although a pressing demand was made upon them for that purpose by our Executive—and the necessity of immediate and prompt action being so imminent and urgent, the State was impelled—though at that time entirely destitute of means—to pledge her faith and credit, call out troops; organize, provision and equip companies, and march them to our frontier for the defence of our citizens.

The solemn duty incumbent on the General Government, of assuming

the entire direction and expense of the complete protection of its citizens against the invasions of hostile Indians, is well established by numerous precedents in our history. The pressing nature of the emergency, and the danger and hazard of any delay, obliged the State to interpose her authority, and undertake the duties of the nation in the suppression of those hostilities.

The payment of debts contracted in the prosecution of Indian wars when managed by the States themselves, has also been recognized by several precedents in Congressional legislation. The authorities of the United States were at the time invoked to furnish men and means for the protection of our citizens; but from the limited number of troops at their disposal, and from other causes, they were unable to respond to our demands, thereby obliging the State to act summarily and promptly; and in so doing she has incurred the responsibilities of a large War Debt, which she is utterly unable to liquidate or provide for at this time, and which *must* be honorably met and assumed by the parent government.

The accounts, which in the aggregate compose our War Debt, have all been carefully and rigidly examined by the Board of Examiners—composed of Treasurer and Comptroller of State—and have been audited at the fair remunerating prices of labor and supplies then prevailing in the State.

The mere fact that the rates which have been allowed for services and supplies furnished in our Indian wars, are relatively higher than the prices obtaining in other sections of the Union, does not affect the principle involved in the claim.

A strict economy has characterized the action of the Board of Examiners in the allowance of these claims—a large number having been rejected—and none have been audited, but those that were founded upon principles of simple equity and justice towards claimants.

I recommend that the Board be authorized to have prepared a complete synopsis of all the claims constituting our War Debt, with the exhibits accompanying the same, and the evidence upon which they were allowed, and that they have the whole subject properly systematized and arranged, preparatory to a future presentation of the same before Congress, for relief.

STATE PRISON.

By an Act passed April 25th, 1851, all State prisoners then under sentence, and all that might thereafter be convicted and sentenced to imprisonment, were leased to parties for the period of ten years, who are entitled to the income and profits arising from the labor and control thereof, subject to certain restrictions in relation to the discipline, care, support and guarantees for their safe keeping.

Although according to the original terms of the contract made with the lessees, they were to prepare temporary buildings, still it is evident that a necessity does exist for greater and more complete security of the constantly increasing number of convicts than has heretofore been provided.

This security can be afforded by providing for a sufficient number of

cells, which can be constructed by a judicious expenditure of the sum of one hundred thousand dollars, which is believed to be as large as a proper economy would justify or their security require.

These cells could be so constructed as to form part of a whole structure, that might be added to from time to time as the finances of the State might justify, and completed at a future period. A proper regard for economy, by which our State credit can only be sustained,—unless we resort to oppressive taxation,—at once forbids the policy of erecting a prison on a scale more extensive than the mere security of the prisoners requires, and it is believed that the sum of *one hundred thousand dollars* would be amply sufficient for this purpose.

It is well understood that the Legislature, at its last session, considered that sum as the utmost limit that the State could then afford for that object; and the general surprise manifested by many of the members of that body, when the fact was announced that there was no limit to the ultimate cost of the Prison, in the law authorizing its construction, is sufficient evidence that they could never have contemplated a greater expenditure at this time when our revenue is so far below our income.

It is submitted, that the Act passed May 1st, 1852, contains some provisions of an objectionable nature, which should be modified or repealed. The 8th section contains no limit as to the cost of the Prison, and provides that the Bonds of the State issued in payment therefor, "shall have the same forms, guarantees and validity as the Bonds issued under an Act to fund the indebtedness of the State, passed April 29th, 1851."

If by this provision, it was designed to interfere with the disposition of the Interest Tax established by that Act, and divert it from its proper and legitimate purpose, it is clear that such a course would be violating a solemn contract made by the State with her creditors, when she sacredly and invariably pledged the entire proceeds thereof to the extinction of the principal and interest of our Funded Debt created by that statute. Any surplus that may remain after the redemption of the Bonds due in March, 1855 and 1861, is specifically pledged to the Sinking Fund of 1852, and any provision subsequently made contravening this object is unconstitutional and void, and, to avoid any assumed innovation upon the rights of our creditors, should be at once repealed.

DELINQUENCIES.

Nothing has ever been collected on the judgment obtained at the March Term, 1851, of the District Court of Tuolumne County, against L. A. Besangon and Robert Semple, surety, for the sum of $9,945 00, with the penalty and interest thereon from September 23d, 1850, as a delinquent Collector of Licenses to Foreign Miners, and it is most probable that nothing will ever be realized from this judgment.

The judgment obtained at the October Term, 1851, of the District Court of Calaveras County, against D. I. Woodruff, likewise a delinquent Collector of Licenses to Foreign Miners, for the sum of $9,346 93, princi-

pal, and $2,336 73 damages thereon;—in all, $11,683 66, with interest from April 9th, 1851, still remains unsatisfied. Proceedings were subsequently instituted against the sureties upon his official bond, by direction of this department; but I have not yet been advised that the same have progressed to final judgment.

A suit was instituted at the November Term, 1851, against A. B. Mudge, Treasurer of Calaveras County, and his sureties, for the amount due from him; and the District Attorney for that County (Mr. Boucher) reports that he has obtained service on those sureties who are non-residents by publication, and that he will use all proper diligence in the collection of this defalcation.

On the 20th of July last, I directed suit to be brought upon the official bond of A. C. McDonald, Treasurer of Sonoma County, for a balance due from him on the taxes of 1851, of $4,203 27. A judgment has since been obtained against him for the amount due, on which there has been received by the District Attorney of that county the sum of $2.120, and the residue will be collected, and the whole paid over by the period of the meeting of the Legislature.

Since the date of the last annual report from this office, D. A. Enyeart, Treasurer of Tuolumne county, has appeared and made full settlement of the balance standing against him for taxes of 1850, and has also paid over the sum of $8,774 75, in full of all taxes collected by him in that county for the year 1851, and received a final discharge therefrom.

Mr. Enyeart has also made another payment of $6,274 40 on account of taxes collected by him for the year 1852, and reports that he will be here on the day fixed by law, the third Monday of December inst. and make another payment on the same account.

On the 10th instant, I directed the District Attorney of El Dorado County to institute suit upon the official bond of John Hancock Phillips, now deceased, and late County Treasurer of El Dorado County. There was due from him at that date, as appears from the books of this office, the sum of $11,657 26, the collection of which will receive my especial attention. It is deeply to be regretted that this delinquency has occurred, as this amount, added to that paid over by the present Treasurer, establishes the fact that the citizens of that county have, during the present year, paid their taxes with great promptitude, and that all other revenue officers in El Dorado have been energetic and faithful in the discharge of their duties.

MISCELLANEOUS.

On the 31st of October last, I directed the Attorney General of the State to proceed to the collection of any moneys now due the State, in the city of San Francisco; also to proceed against *all persons* for the recovery of any *property* belonging to the State, or proceeds of any sales of State property in said city, whenever in his judgment a legal demand should be made to save the State from loss.

The object of these instructions was to assert and maintain, before the proper tribunal, the legal interests of the State in certain Beach and Water

Lot property, situated within the limits of the city of San Francisco, and to recover any proceeds of the sale thereof that may be due the State, and further to vindicate all the rights of the State in the premises.

I have deemed this duty incumbent on me, by the language of the seventh section of the "Act concerning the office of Comptroller, passed January 19th, 1850."

The Attorney General has commenced proceedings against sundry parties by virtue of these instructions, the particulars of which will be communicated hereafter.

I beg leave to repeat the recommendation heretofore made, with regard to the repeal of all laws authorizing any moneys to be paid into, or drawn from the State Treasury, except by a warrant from the Comptroller in all cases.

The Comptroller is required to report annually upon the condition and amount of the State Debt, and other matters; which he cannot do if moneys are authorized to be expended without his official knowledge.

I would also suggest the propriety of the appointment, at an early period of the approaching session of the General Assembly, of a committee to examine the books of the Treasurer and Comptroller of State, and to report thereon before the close of the same.

Intervals of leisure from other duties could be devoted to this purpose, and the State could thus economise the expense attendant upon the session of a committee held after the adjournment of the Legislature.

The policy of special and limited appropriations is earnestly suggested for your consideration and that of the General Assembly. Appropriations should be specific and distinct for all salaries of the officers of State, their clerks, and the contingent expenses of their offices: for all judicial salaries and contingents of the Supreme Court; for Legislative per diem, mileage, officers and contingents; and for every item within the entire range of State expenditure.

The present tax of three dollars on all suits commenced in, or appealed to, our District Courts—as assessed by the five hundred and ninth section of the Practice Act—for the payment of the salaries of our District Judges, should be increased to ten dollars; with a further tax of thirty dollars on each suit appealed to the Supreme Court of the State, to be applied on the salaries of our Supreme Judges, and collected and paid over monthly by the clerk of that Court. This would relieve our Treasury of a large sum annually, and pay the entire salary of some of those functionaries.

The propriety of a revision of our laws with regard to the present compensation of County Auditors and County Treasurers, is also suggested, with a view to a reasonable increase and equalization of the same.

It is undoubtedly true, that the remuneration heretofore received by them in some of the counties for their services in the collection of State revenue, has not been proportionate to the amount of labor and responsibility imposed on them by existing laws, and it is believed that the best interests of the State, as well as simple justice to those officers, demands that their future services to the State in the collection of her taxes and assessments, be more liberally rewarded and equalized throughout the State.

The last Legislature having imposed largely additional duties on this office and that of the State Treasurer, and finding it impossible to perform

the public business that has been rapidly accumulating, without an addition to the clerical force of these offices, by the advice of the examining committee, superadded to that of a large number of the members of the late General Assembly, who were of opinion that the absolute necessity of such a measure was imperative and unavoidable, the services of a Book-keeper for the offices of the Comptroller and Treasurer of State, and also a Clerk to the Board of Examiners on war claims, have been employed, all at the same rates of compensation as the regular clerks in these offices. The law providing for the issue of licenses to foreign miners has alone, demanded the time of one clerk for the whole period. The increase of business in both offices consequent upon funding the State debt, the distribution and enforcement of our new revenue law, the increased amonnt of war claims demanding immediate attention and examination, and many other matters, have rendered this course imperatively necessary.

It is indispensable that the services of a competent book-keeper in each of these offices should be engaged, who could devote their whole time to the books alone.

With regard to the Tule lands, it is submitted that the policy of *donating* a limited amount to actual settlers, for the purpose of reclamation and cultivation—and by this means enlarging our revenue, and adding to our aggregate agricultural wealth—is much better than any attempt on the part of the State to become engaged or entangled with private individuals or companies, in any project for their reclamation requiring frequent and expensive legislation, which must ultimately result in embarrassment and disaster to the finances of the State.

The revenue law of last session is, in many particulars, the best one yet enacted, and under its provisions many of the county treasurers have promptly paid over a considerable amount of revenue into the State Treasury—especially the important county of San Francisco, also Placer, Tuolumne, Contra Costa, and San Joaquin. Many salutary amendments should be made at the earliest possible period to the law, in those particulars where it has been found to be defective in its practical operation, upon which subject considerable useful information has been elicited in the course of a correspondence with the several county officers charged with the execution of its details, and more is expected; all of which will be submitted as soon as received, to the appropriate committee of the approaching Legislature.

I have the honor to subscribe myself,

Very respectfully,

Your obedient servant,

WINSLOW S. PIERCE,

Comptroller of State.

[Document No. 2.]

ANNUAL REPORT

OF THE

TREASURER OF STATE.

[GEORGE KERR, STATE PRINTER.

ANNUAL REPORT

OF THE

TREASURER OF STATE.

STATE TREASURER'S OFFICE,
Vallejo, Dec. 15, 1852.

TO HIS EXCELLENCY, JOHN BIGLER,
Governor of the State of California:

SIR:—

In conformity with "an Act concerning the Office of State Treasurer," approved January 24, 1850, the following Annual Report for the fiscal year, ending June 30, 1852, is herewith respectfully submitted.

Your obedient servant,
RICHARD ROMAN,
State Treasurer.

RECEIPTS

Into the State Treasury during the Fiscal Year ending June 30, 1852.

Date.	From whom received.	Cash.	3 per cent. Bonds.	Interest.	Warrants.
June 30, 1851	Balance in the Treasury,	$79 08	$9,900 00		
August 12,	Treasurer of San Diego Co		1,100 00	$342 00	$350 00
" 18,	" El Dorado "	381 17			
" 21,	" Tuolumne "	315 40	1,000 00	168 48	3,200 00
September 9,	" Santa Cruz "	817 67			
" 15,	" Sacramento "	4,680 66	2,825 00	1,454 68	
" 15,	" S. Francisco "	1 65	3,900 00	1,938 10	
" 15,	" S. Francisco City	29 25			6,502 00
" 20,	" San Joaquin Co.	1,017 32			800 00
October 15,	" Sacramento "				14,688 79
November 8,	" Santa Clara "	500 00			
" 11,	" El Dorado "	1,860 00			
" 19,	" S. Francisco, "	30,000 00			
" 28,	" Contra Costa "	1,750 00			
" 29,	" Sacramento "	14,600 00	1,500 00	914 40	
December, 1,	" Santa Clara "	2,000 00			
" 1,	" " " "	3,000 00			
" 4,	" " " "		3,175 00	1,922 60	
" 9,	" Yuba "	48 82			
" 10,	" Solano "	2,718 50	800 00	481 50	
" 15,	" Contra Costa "	7,292 29	425 00	222 75	
" 15,	" Nevada "	6,626 00			
" 17,	" Sacramento "	3,000 00	1,725 00	994 85	
" 18,	" Placer "	3,518 66			
" 18,	" Marin "	4,402 03			
" 19,	" Butte "	2,549 30	325 00	190 45	
" 19,	" Shasta "	3,338 43			
" 19,	" Monterey "	7,108 37	1,150 00	678 86	198 00
" 19,	" El Dorado "	3,991 84			
" 25,	" Sutter "	1,000 00			
" 25,	" Yuba "	7,531 54			145 40
" 29,	" El Dorado "	160 00			
" 31,	" San Joaquin "	445 50			
Jan. 3, 1852,	" Santa Cruz "	7,085 56			
" 3,	" San Joaquin "	8,961 86			
" 5,	" S. Francisco "	25,203 57	17,525 00	10,492 52	150 00
" 7,	" Yolo "	2,501 60			200 00
" 23,	" Napa "	4,790 70			
" 24,	" S. Francisco City	8 34	4,675 00	3,035 41	
" 26,	" Los Angeles Co.	9,893 32	500 00	200 00	
" 26,	" Santa Barbara "	2,450 00	750 00	421 26	
" 26,	President Board of Fund Commissioners, S. Francisco,	1,000 00			
" 26,	Treasurer San Diego Co.	1,296 00			
February 11,	" Sacramento "	16,756 32			
" 11,	" Santa Clara "	2,692 58	200 00	139 80	
" 17,	" Colusi "	1,594 09	100 00	60 00	
	Amount carried forward,	$198,987 42	$51,575 00	$23,655 66	$26.234 19

DATE.	FROM WHOM RECEIVED.	CASH.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.
	Amount brought forward,	$198,987 42	$51,575 00	$23,655 66	$26,234 19
Feb. 19,	Treas'r S. Luis Obispo Co.		1,000 00	521 00	
" 21,	" Tuolumne "	3,578 63			
" 23,	" Yuba "	2,900 87	200 00	140 50	
" 26,	" Solano "	2,597 35			300 00
March 1,	" Sonoma "	4,800 00			
April 1,	" El Dorado "	2,260 92			
" 3,	" Monterey "	1 28			
" 5,	" Trinity "	611 35			
" 9,	" Shasta "	1,795 36			
" 21,	" San Joaquin "	850 35			
" 27,	" Yuba "	816 33			401 00
May 21,	" Sacramento "	1,800 00			
" 21,	A. W. Adams per R. Roman,	11 03			
" 31,	Secretary of State,	80 75			
June 8,	Treasurer of Shasta County,	51 77			
" 9,	" S. Luis Obispo "	724 65			
" 11,	" S. Francisco "	4,674 40	4,050 00	2,708 40	
" 15,	" Placer "	4,422 95			
" 21,	Comm'er of Emigrants, S. Francisco,	24,391 25			
" 21,	Treasurer Santa Clara Co.,	3,065 28	100 00	78 00	
" 21,	" San Joaquin "	406 94			908 00
" 22,	" San Diego "	822 50			
" 26,	" Trinity "	422 68			
" 28,	" Calaveras "	3,173 93			
" 30,	" Nevada "	796 41			888 00
	Received for Bonds issued under Act of April 29th, 1851,				383,500 00
	Received for Bonds issued under Act May 1, 1851,				156,500 00
	Land Warrants,	33 89			93,406 11
	Treasurer's Certificates,				7,838 05
		$264,078 35	$56,925 00	$27,103 58	$669,975 35

Total, $1,018,082 28

PAYMENTS OUT OF THE STATE TREASURY,

During the Fiscal Year, ending June 30, 1852.

PAID OUT OF GENERAL FUND.

Three per cent. Bonds redeemed,	$40,825 00	
Interest,	23,315 50	
Warrants redeemed,	818,131 33	
Treasurer's certificates redeemed,	6,607 79	
Amount carried forward.		$888,879 62

Amount brought forward,		$888,879 62
PAID OUT OF STOCKTON STATE HOSPITAL FUND.		
Three per cent. Bonds redeemed,	$3,000 00	
Interest,	1,824 14	
Warrants on the "General Fund" redeemed,	3,251 00	
Warrants on the Hospital Fund paid,	15,423 59	
		$23,498 73
PAID OUT OF SACRAMENTO STATE HOSPITAL FUND.		
Three per cent. Bonds redeemed,	$3,000 00	
Interest,	1,824 14	
Warrants on the "General Fund" redeemed,	3,151 00	
Warrants on the Hospital Fund paid,	16,616 16	
		$24,691 30
PAID OUT OF INTEREST TAX FUND.		
Interest,	$21,887 77	
$19,500 seven per cent. Bonds redeemed,	16,686 25	
		$38,574 00
PAID OUT OF MILITARY FUND.		
Three per cent. Bonds redeemed,	$200 00	
Interest,	139 80	
		339 80
BALANCE IN THE TREASURY.		
Three per cent. Bonds,	$9,900 00	
Cash,	32,198 81	
		$42,098 81
In General Fund, cash,	$6,169 56	
Three per cent. Bonds,	9,884 00	
Special Contingent Fund of Senate, 1850, Three per cent. Bonds,	16 00	
San Francisco State Marine Hospital Fund, cash,	14,634 75	
Interest Tax Fund,	9,833 86	
Interest Fund of 1852,	1,000 61	
School Fund,	449 83	
Military Fund,	60 20	
	$42,098 81	
		$1,018,082 28

GENERAL FUND—RECEIPTS.

DATE.	FROM WHOM RECEIVED.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
June 30, 1851.	Balance in fund,	$8,837 69			$79 08
Aug. 12,	Treasurer San Diego Co.,	1,100 00	$342 00	$350 00	
" 18,	" El Dorado "				381 17
" 21,	" Tuolumne "	1,000 00	166 48	3,200 00	315 40
Sept. 9,	" Santa Cruz "				817 67
" 15,	" Sacramento "	2,825 00	1,454 68		200 50
" 15,	" S. Francisco "	2,000 00	919 88		
" 20,	" San Joaquin "			800 00	598 52
Oct. 15,	" Sacramento "			14,688 79	
Nov. 8,	" Santa Clara "				500 00
" 11,	Sheriff of El Dorado "				1,850 00
" 19,	Treasurer S. Francisco "				21,000 00
" 28,	" Contra Costa "				1,750 00
" 29,	Sheriff of Sacramento "	1,500 00	914 40		14,600 00
Dec. 1,	Treasurer Santa Clara "				5,000 00
" 4,	" " " "	3,175 00	1,922 60		
" 9,	" Yuba "				48 82
" 10,	Sheriff of Solano "	8,000 00	481 50		2,718 50
" 15,	Treasurer Contra Costa "	425 00	222 75		5,011 40
" 15,	" Nevada "				6,626 00
" 17,	" Sacramento "	1,725 00	994 85		140 08
" 18,	" Placer "				2,584 35
" 18,	" Marin "				3,382 39
" 19,	" Butte "	325 00	190 45		2,045 26
" 19,	" Shasta "				2,436 73
" 19,	" Monterey "	1,150 00	678 86	198 00	5,183 58
" 19,	" El Dorado "				2,635 86
" 25,	" Sutter "				800 00
" 25,	" Yuba "			145 40	6,097 10
" 29,	" El Dorado "				160 00
Jan. 3, 1852.	" Santa Cruz "				5,575 59
" 3,	" San Joaquin "				7,214 86
" 5,	" S. Francisco "	15,025 00	8,937 90	150 00	17,758 04
" 7,	" Yolo "			200 00	1,987 60
" 23,	" Napa "				3,720 70
" 24,	" S. Francisco "	4,675 00	3,035 41		8 34
" 26,	" Los Angeles "	500 00	200 00		7,186 32
" 26,	" S. Barbara "	750 00	421 26		1,640 00
" 26,	President of the Board of Fund Commissioners of San Francisco,				1,000 00
Jan. 26,	Treasurer San Diego Co.,				996 00
Feb. 11,	" Sacramento "				7,103 66
" 17,	" Colusi "	100 00	60 00		1,223 09
" 19,	" San Luis Obispo County.	1,000 00	521 00		
" 21,	" Tuolumne Co.,				2,214 63
" 23,	" Yuba "	200 00	140 50		2,275 87
" 26,	" Solano "			300 00	1,067 35
Mar. 1,	" Sonoma "				3,700 00
April 1,	" El Dorado "				1,130 46
" 3,	" Monterey "				1 28
" 5,	" Trinity "				426 13
" 9,	" Shasta "				1,067 70
" 21,	" San Joaquin "				425 17
" 27,	" Yuba "			401 00	394 77
	Amount carried forward,	$47,112 69	$21,604 52	$20,433 19	$155,079 94

DATE.	FROM WHOM RECEIVED.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
	Amount brought forward,	$47,112 69	$21,604 52	$20,433 19	$155,079 94
May 21,	Treasurer Sacramento Co.,				900 00
" 21,	A. W. Adams, per R. Roman, for Foreign Miners' Licenses,				11 03
June 31,	Secretary of State,				80 75
" 8,	Treasurer Shasta County,				25 89
" 9,	" San Luis Obispo County,				148 09
" 11,	" S. Francisco Co.	2,450 00	1,632 98		2,997 40
" 15,	" Placer "				2,821 63
" 21,	" Santa Clara "	100 00	78 00		2,593 89
" 21,	" San Joaquin "			908 00	303 60
" 22,	" San Diego "				632 69
" 26,	" Trinity "				105 67
" 28,	" Calaveras "				1,700 86
" 30,	" Nevada "			888 00	
	Amount from Senate Contingent Fund of 1850,	1,046 31			
	Received for Bonds issued under Act of April 29th, 1851,			383,500 00	
	Received for Bonds issued under Act of May 1st, 1852,			156,500 00	
	Rec'd for Land Warrants,			93,406 11	
	Treasurer's Certificates issued,			7,838 05	33 89
		$50,709 00	$23,315 50	$663,473 35	$167,435 33

Total, - - - - - - $904,933 18

GENERAL FUND—PAYMENTS.

Legislative Expenses.

Per diem and Mileage of Members, contestants and President of the Senate,	$190,288 80
Pay of Clerks, Porters, &c.	81,373 30
Contigent Expenses,	13,666 87
Pay of Witnesses,	4,279 00
Senate Contingent Fund, 1850,	1,046 31
Assembly " " 1852,	1,915 50
Senate " " "	1,486 25
W. J. Whitney for furniture,	10,900 00
Tobin & Duncan for chairs,	1,232 00
Josiah Belden for building and repairing Capitol tol at San José,	50,353 00
Public Printing,	163,723 83
Salaries of Governor,	9,207 54
" Secretary of State,	5,484 00
" Judges of the Supreme Court,	32,305 15
" District Judges,	72,618 90
" District Attorneys,	17,270 87
" Attorney General,	12,683 63
" State Treasurer,	8,740 00
" Comptroller of State,	8,969 66
" Surveyor General,	11,800 00
" Quarter Master General,	1,733 00
" Superintendent of Public Instruction,	2,420 00
" State Prison Inspectors,	3,080 00
" State Translator,	4,755 50
" Governor's Private Secretary,	1,288 62
" Clerk to the Secretary of State,	3,715 68
" " " State Treasurer,	4,416 11
" " " Comptroller of State,	4,427 80
" " " Superintendent of Public Instruction,	300 00
Contingent expenses of Supreme Court,	9,880 85
" " Attorney General's Office,	4,134 85
" " District Court, 4th District,	1,222 00
" " Secretary of State's Office,	4,840 28
" " State Treasurer's Office,	3,003 53
" " Comptroller of State's Office,	2,327 82
Amount carried forward,	$750,891 65

Amount brought forward,	$750,891 65
Contingent expenses of Surveyor General's Office,	2,452 00
" " Sup. of Public Instruction's Office,	1,420 95
" " State Translator's Office,	80 87
" " Governor (office rent),	200 00
Governor's Contingent Fund,	4,831 16
Transportation and subsistence of Prisoners,	9,435 00
William Smith for services rendered the State as Attorney at Law,	1,700 00
William H. Richardson for money expended for the use of the State,	1,180 00
J. Winchester for freight on Journals and Statutes,	4,241 00
Justh & Quirot, Lithographing War Bonds,	500 00
B. F. Butler, " Civil "	1,500 00
Fishbourne & Gow, " War "	700 00
A. G. Kimbell, distributing Laws and Journals,	1,788 00
Mouton, Raveau & Co., loss of 3 per cent. Bonds and interest thereon,	915 60
D. P. Baldwin and Thomas J. Green for laying off Public Grounds at Vallejo,	300 00
Relief of old Town Council of Stockton,	7,719 60
" Jesse D. Carr,	1,097 00
" Dr. Hubbard,	595 00
" W. T. Barbour,	625 00
" E. J. C. Kewen,	350 00
" Elcan Heydenfeldt,	3,070 00
" M. C. Dougherty,	75 00
" J. F. Howe,	250 00
" E. J. Barry,	539 00
" James S. Raines,	353 00
" N. A. Holly & Co.,	30 00
" L. McMahon,	80 00
" L. Hazleton,	30 00
Robert Hopkins for arrest, in North Carolina, of W. H. Meade, a fugitive from Justice,	115 00
Relief of Emigrants,	5,000 00
Sacramento State Hospital,	16,000 00
Stockton State Hospital,	1,000 00
Cole & Mason for freight on Archives from Alviso to San Francisco,	200 00
A. J. Bliss & Co. for drayage of Archives,	150 00
W. W. Gift for removal of Archives from San Jose to Sacramento,	1,116 50
Expenses of removal of State property from San Jose to Vallejo,	1,500 00
Amount carried forward,	$822,031 33

Amount brought forward,		$822,031 33
J. F. McFarland for apprehension of Cyrus Williamson and his delivery to the Sheriff of El Dorado County,		500 00
A. J. Yates for arranging, examining and indexing Archives at Monterey,		1,000 00
A. M. De la Guerra for mileage as Treasurer of Santa Barbara County,		216 00
Fees to Clerk of Supreme Court,		886 00
		$824,633 33
Deduct Warrants due Sacramento State Hospital Fund,	$3,251 00	
Deduct Warrants due Stockton State Hospital,	3,251 00	
		6,502 00
		818,131 33
Certificates redeemed,		6,607 79
Three per cent. Bonds redeemed,	40,825 00	
Interest on same,	23,315 50	
		64,140 50
Due Fund, three per cent. Bonds,	9,884 00	
Cash,	6,169 56	
		16,053 56
		$904,933 18

STOCKTON STATE HOSPITAL FUND—RECEIPTS.

Date.	From whom received.	3 per cent. Bonds.	Interest.	Warrants.	Cash.
Sept. 15, 1851	Treasurer Sacramento Co.,				$2,240 08
" 15,	" S. Francisco "	$950 00	$509 11		83
" 15,	" S. Francisco City			$3,251 00	14 62
" 20,	" San Joaquin Co.				209 40
December 17,	" Sacramento "				1,429 96
" 18,	" Placer "				370 32
" 19,	" Shasta "				450 85
" 19,	" Monterey "				98 88
" 19,	" El Dorado "				677 99
" 25,	" Yuba "				247 22
" 31,	" San Joaquin "				222 75
Jan'y 5, 1852,	" S. Francisco "	1,250 00	777 31		
February 11,	" Sacramento "				1,713 83
" 21,	" Tuolumne "				500 00
" 26,	" Solano "				50 00
April 1,	" El Dorado "				565 23
" 5,	" Trinity "				92 61
" 9,	" Shasta "				290 96
" 21,	" San Joaquin "				212 59
" 27,	" Yuba "				130 60
June 8,	" Shasta "				12 94
" 11,	" S. Francisco "	800 00	537 72		204 82
" 15,	" Placer "				454 62
" 21,	Commissioner Emigrants, San Francisco,				4,878 25
" 21,	Treasurer San Joaquin Co.				51 67
" 26,	" Trinity "				105 67
" 28,	" Calaveras "				186 90
		$3,000 00	$1,824 14	$3,251 00	$15,423 59

Total, - - - - $23,498 73.

STOCKTON STATE HOSPITAL FUND—PAYMENTS.

1851, Sept. 20,	Cash paid		$1,017 32
Dec. 30,	"		3,275 22
31,	"		222 75
1852, March 3,	"		1,713 83
9,	"		560 00
25,	"		560 00
April 13,	"		948 80
June 9,	"		712 27
30,	"		6,413 40
Balance due Fund, three per cent. Bonds,		$3,000 00	
Interest on same,		1,824 14	
Warrants,		3,251 00	
			8,075 14
			$23,498 73

SACRAMENTO STATE HOSPITAL—RECEIPTS.

Date.	From whom received.	3 per cent. Bonds.	Interest.	Warrants.	Cash.
Sept. 15, 1851	Treasurer Sacramento Co.,				$2,240 08
" 15,	" S. Francisco "	$950 00	$509 11		83
" 15,	" S. Francisco City.			$3,251 00	14 62
" 20,	" San Joaquin Co.				209 40
Dec. 17,	" Sacramento "				1,429 96
" 18,	" Placer "				370 32
" 19,	" Shasta "				450 85
" 19,	" Monterey "				98 88
" 19,	" El Dorado "				677 99
" 25,	" Yuba "				247 22
" 31,	" San Joaquin "				222 75
Jan'y 5, 1852,	" S. Francisco "	1,250 00	777 31		
Feb'y 11,	" Sacramento "				1,713 83
" 21,	" Tuolumne "				500 00
" 26,	" Solano "				60 00
April 1,	" El Dorado "				565 23
" 5,	" Trinity "				92 61
" 9,	" Shasta "				290 96
" 21,	" San Joaquin "				212 59
" 27,	" Yuba "				130 60
May 21,	" Sacramento "				900 00
June 8,	" Shasta "				12 94
" 11,	" S. Francisco "	800 00	537 72		204 82
" 15,	" Placer "				454 62
" 21,	Commissioner Emigrants, San Francisco,				4,878 25
" 21,	Treasurer San Joaquin Co.				51 67
" 26,	" Trinity "				211 34
" 28,	" Calaveras "				373 80
		$3,000 00	$1,824 14	$3,251 00	$16,616 16

Total, - - - - $24,691 30.

SACRAMENTO STATE HOSPITAL FUND—PAYMENTS.

1851, Sept. 15,	Cash paid,		$4,680 66
Dec. 20,	"		2,284 98
1852, Jan'y 29,	"		1,003 59
Feb'y 17,	"		209 40
March 4,	"		1,713 83
April 13,	"		948 80
May 21,	"		900 00
June 21,	"		4,238 09
30,	"		636 81
Balance due Fund, three per cent. Bonds,		$3,000 00	
Interest on same,		1,824 14	
Warrants,		3,251 00	
			8,075 14
			$24.691 30

SAN FRANCISCO STATE MARINE HOSPITAL FUND—RECEIPTS.

1852, June 21,	Commissioner of Emigrants San Francisco,	$14,634 75

No payments.

INTEREST TAX FUND—RECEIPTS.

		FROM WHOM RECEIVED.			
1851.					
Nov.	19,	Treasurer of	San Francisco	County,	$9,000 00
Dec.	15,	"	Contra Costa	do.	2,280 89
	18,	"	Placer	do.	193 67
	18,	"	Marin	do.	1,019 64
	19,	"	Butte	do.	504 14
	19,	"	Monterey	do.	1,728 03
	25,	"	Yuba	do.	940 00
	25,	"	Sutter	do.	200 00
1852.					
Jan'ry	3,	"	Santa Cruz,	do.	1,510 00
	3,	"	San Joaquin,	do.	1,747 00
	5,	"	San Francisco	do.	7,445 53
	7,	"	Yolo	do.	514 00
	23,	"	Napa	do.	1,070 00
	26,	"	Los Angeles	do.	2,707 00
	26,	"	Santa Barbara	do.	810 00
	26,	"	San Diego	do.	300 00
Feb'y	11,	"	Sacramento	do.	6,225 00
	11,	"	Santa Clara	do.	2,632 38
	17,	"	Colusi	do.	371 00
	21,	"	Tuolumne	do.	364 00
	23,	"	Yuba	do.	625 00
	26,	"	Solano	do.	1,410 00
March	1,	"	Sonoma	do.	1,100 00
April	9,	"	Shasta	do.	115 73
	27,	"	Yuba	do.	160 36
June	9,	"	San Luis Obispo	do.	576 56
	11,	"	San Francisco	do.	1,267 35
	15,	"	Placer	do.	346 03
	21,	"	Santa Clara	do.	471 39
	22,	"	San Diego	do.	189 81
	28,	"	Calaveras	do.	456 17
	30,	"	Nevada	do.	98 20
					$48,407 88

INTEREST TAX FUND—Payments.

Nov. 19, 1851.	Paid Palmer, Cook & Co., on account of interest due January 1, 1852, . .	$9,000 00
May 3, 1852.	Paid Palmer, Cook & Co., on account of interest due July 1, 1852, . .	12,800 00
	Paid John Cook for 5 Coupons due Jan. 1, 1852, ...	45 20
June 8, 1852.	Paid Thomas B. Prince for Coupons due Jan. 1, 1852, ...	42 57
June 24, 1852.	Paid John Perry, Jr. for $12,500 7 per cent. Bonds at 84 cents, . .	10,500 00
June 24, 1852.	Paid Benjamin Chapman for $500 7 per cent. Bonds at 90 cents, . . .	450 00
June 25, 1852.	Paid Henry E. Robinson for $1,000 7 per cent. Bonds at 85 cents, . .	850 00
June 29, 1852.	Paid Charles B. Young for $1,500 7 per cent. Bonds at 88¾ cents, . .	1,331 25
June 29, 1852.	Paid John Perry Jr. for $500 7 per cent. Bonds at 84 cents, ...	420 00
June 29, 1852.	Paid John Perry, Jr. for $1,500 7 per cent. Bonds at 89 cents, . . .	1,335 00
June 29, 1852.	Paid Moulton & Co. for $2,000 7 per cent. Bonds at 90 cents, . . .	1,800 00
	Balance due fund, . . .	9,833 86
		$48,407 88

INTEREST FUND OF 1852—Receipts.

June 15, 1852.	Treasurer of Placer county,	. . .	$231 02
" 28, "	" Calaveras county,	. .	304 12
" 30, "	" Nevada county,	. . .	465 47
			$1,000 61

No Payments.

SCHOOL FUND—Receipts.

June 15, 1852.	Treasurer of Placer county,	. . .	$115 01
" 28, "	" Calaveras county,	. .	152 08
" 30, "	" Nevada county,	. . .	232 74
			$499 83

No Payments.

MILITARY FUND—Receipts.

Feb. 11, 1852.	Treasurer of Santa Clara county,		
	Three per cent. Bonds, .	$200 00	
	Interest, ...	139 80	
	Cash, ...	60 20	
			$400 00

No Payments.

Bonds issued during the Fiscal Year ending June 30th, 1852.

Under Act of April 29, 1851.			
767 Bonds for $500 each,			$383,500 00
67 " " issued previously,			33,500 00
			$417,000 00
Less amount redeemed June 1852,			19,500 00
			$397,500 00
Under Act of May 1, 1852.			
116 Bonds for $1,000 each,	116,000 00		
81 " $500 "	40,500 00	—	$156,500 00
Twelve per cent. Bonds (War.)			
1 Bond for $1,000 issued to James L. Bolen, by authority of an Act passed April 2, 1852,			1,000 00
199 Bonds for $1,000 each, issued previously,			199,000 00
			$200,000 00
Seven per cent. Bonds (War.)			
115 Bonds for $1,000 each,	115,000 00		
45 " 500 "	22,500 00		
8 " 250 "	2,000 00		
45 " 100 "	4,500 00	—	$144,000 00
Temporary State Loan Bonds.			
Total amount issued first fiscal year,			290,100 00
Not issued, remaining in the Treasury,			9,900 00
			$300,000 00

Redemption.

	Interest.	Principal.
In payment of taxes first fiscal year,	206 27	2,950 00
" " second " "	34,419 18	122,150 00
" " third " "	27,103 56	47,025 00
Comptroller's Warrants issued to Monson, Raveau & Co. under authority of an Act passed April 25, 1851,	265 60	650 00
Remaining in the Treasury,		9,900 00
Amount outstanding,		117,325 00
		$300,000 00

SUPPLEMENTAL REPORT.

STATE TREASURER'S OFFICE,
Vallejo, December 30, 1852.

To His Excellency, JOHN BIGLER,

Governor of the State of California—

SIR:—Annexed I send you a Supplemental Report of the operations of the Treasury, from July 1 to December 29, inclusive.

Respectfully,
Your obedient servant,

RICHARD ROMAN,
State Treasurer.

RECEIPTS *into the State Treasury from July* 1 *to Dec.* 29, 1852, *inclusive.*

DATE.	FROM WHOM RECEIVED.	3 PER CENT. BONDS.	INTEREST.	WARRANTS.	CASH.
July 2, 1852,	Treasurer of Yuba County,				$1,691 84
" 5,	" Santa Cruz "				146 30
" 7,	" S. Francisco "	$10,575 00	$8,274 30		15,544 62
" 7,	" Sacramento "				2,578 89
" 7,	" Santa Barbara "				401 80
" 8,	" Placer "				2,152 32
" 10,	Commissioner of Emigrants San Francisco,				12,008 00
" 12,	Treasurer of Siskiyou Co.,				459 25
" 22,	" Placer, "				1,446 41
" 23,	" S. Luis Obispo "				583 50
" 23,	" El Dorado "				3,030 25
" 26,	" Sutter "				737 01
August 4,	Comm'er of Emigrants,				24,177 50
" 11,	Treasurer Los Angeles Co.				1,728 00
" 24,	" Monterey "				422 27
September 1,	" Placer "				2,308 25
" 8,	Comm'er of Emigrants,				12,996 00
" 16,	Treasurer San Joaquin Co.,				3,040 79
" 17,	" Solano "				570 26
" 20,	Secretary of State,				310 00
" 20,	Comptroller of State,			$235 00	
October 4,	Treasurer of Yuba County,				3,164 83
" 8,	Comm'er of Emigrants,	100 00	93 80		1,977 90
" 9,	Treasurer Santa Clara Co.,				1,890 00
" 15,	" S. Francisco "				4.178 67
" 16,	" Colusi "				1,178 86
" 18,	" Tuolumne "	100 00	36 00	600 00	7,484 52
" 20,	" Contra Costa "				2,480 00
November 1,	" Sutter "				500 00
" 8,	Comm'er of Emigrants,				5,049 25
" 16,	Treasurer El Dorado Co.,				10,395 50
" 18,	" Placer "				10,584 89
" 20,	" Trinity "				766 65
December 9,	" Sacramento "				12,078 40
" 10,	Comm'er of Emigrants,				1,258 75
" 15,	Treasurer San Joaquin Co.				10,398 09
" 15,	" S. Francisco "	1,025 00	975 57		27,480 30
" 15,	" Tuolumne "				3,250 00
" 21,	" Contra Costa "				6,679 40
" 22,	" Monterey "				5,399 28
" 22,	" Shasta "				429 27
" 24,	" Placer "				1,307 08
" 28,	" Klamath "				549 62
" 29,	" Nevada "				8,405 99
	Total amount received for taxes,	11,800 00	9,379 67	835 00	213,220 60
	Received for sales of School Lands,			109,740 42	19 58
	Bonds issued under Act of May 1, 1852,			645,500 00	
	Bonds issued under Act of April 29, 1851,			4,000 00	
	Balance in Treasury June 30, 1852,	9,900 00			32,198 81
		$21,700 00	$9,379 67	$760,075 42	$245,438 99

Total, - - - - - $1,036,594 08.

PAYMENTS OUT OF THE STATE TREASURY,

From July 1 *to December* 29, *inclusive.*

CASH PAYMENTS.

For Three per cent. Bonds,		$43,325 00	
" Interest on same,		40,478 27	
" Members of the Legislature, by authority of an Act passed March 8, 1852,		1,837 00	
" $4,500, seven per cent. Bonds,		4,105 00	
" Palmer, Cook & Co., Interest on Funded Debt of 1851, due in New York, January 1, 1853,		12,594 70	
" Sundry persons, interest on same debt, due at the Treasurer's office,		119 00	
" Palmer, Cook & Co., Interest on Funded Debt of 1852, due in New York, January 1, 1853,		21,905 30	
" Treasurer of Sacramento State Hospital,		14,479 57	
" " Stockton " "		13,281 68	
" " San Francisco State Marine Hospital,		48,359 94	
Balance in the Treasury—			
In General Fund,		812 59	
Interest Tax of 1851,		30,435 60	
" " 1852,		508 98	
School Fund,		8,789 66	
Sacramento State Hospital Fund,		2,300 16	
Stockton " " "		854 49	
Insane " " "		126 60	
San Francisco State Marine Hospital Fund,		755 25	
State Library Fund,		310 00	
Military Fund,		60 20	245,438 99
Received for Taxes, and Issue of Bonds and Land Warrants.			
Three per cent. Bonds,		11,800 00	
Interest on same,		9,379 67	
Warrants on the " General Fund,"		760,075 42	
Three per cent. Bonds in Treasury,		9,900 00	791,155 09
			$1,036,594 08

Three per cent. Bonds redeemed from June 30, 1852, to date.

Received for Taxes,	$11,800
Paid Cash,	43,325
	55,125
Redeemed previously,	172,775
In Treasury—not issued,	9,900
Outstanding December 29, 1852,	62,200
	$300,000

	Due Mar. 1, '55.	Due Mar. 1, '61.
Bonds issued under Act of April 29, 1851,	$2,000	$2,000
Outstanding June 30, 1852,	189,000	208,500
	191,000	210,500
Redeemed since June 30, 1852,	4,500	
Outstanding,	$186,500	$210,500

Bonds issued under Act of May 1, 1852,	645,500
Issued previously,	156,500
Outstanding,	$802,000
Twelve per cent. War Bonds, under Act of Feb'y 15, 1851, issued previous to June 30, 1852, outstanding,	200,000
Seven per cent. War Bonds issued under Act of May 3, 1852,	341,050
Issued previously,	144,000
Outstanding,	$485,050

Land Warrants Issued—

	85¾	Sections,	54,880 acres, at $2,	109,760
Issued previously,	73	"	46,720 "	93,440
	158¾		101,600	$203,200

[Document No. 3.]

IN THE SENATE.] [SESSION OF 1853.

ANNUAL REPORT

OF THE

SURVEYOR GENERAL.

DECEMBER 15, 1852.

[GEORGE KERR, STATE PRINTER.

ANNUAL REPORT

OF THE

SURVEYOR GENERAL.

SURVEYOR GENERAL'S OFFICE,
Vallejo, Dec. 15, 1852.

SIR :—

In compliance with the Statute prescribing the duties of the Surveyor General, I submit the following Report :—

STATE MAP—THE PROGRESS OF ITS CONSTRUCTION.

The last Legislature, near the close of the session, passed an Act to "provide for a map of the State," and appropriated the sum of three thousand dollars to carry out the work.

In a special report made from this office (in answer to a call from the Senate) on the 18th of February last, I set forth the importance and necessity of a correct map, and submitted an estimate of the amount that would be required to get one up. In the month of April a bill was introduced into the Senate, ordering me to compile as correct a map as could be made from data to be collected from various sources ; this bill unanimously passed that body appropriating the sum of eight thousand dollars to carry out the design, but was met in the Assembly by a strenuous opposition, and the appropriation cut down to three thousand dollars.

Though it was well known to the friends of the bill, that this sum was totally inadequate to carry out its provisions *in full*, it was deemed expedient *to commence* the work and be governed by circumstances in its prosecution.

Accordingly, I immediately took steps to procure the necessary assistants and instruments, and to secure as full data as possible.

Knowing the importance of the work done by the United States Topographical Engineers in sections of the State where it is impracticable for a small party to go with safety, and more particularly the northern portion of the State, I made application, early in May, to General Hitchcock at Benicia, for copies of such maps as had not been published by the Government.

General Hitchcock expressed an interest in the work, and a desire to aid therein by furnishing all the information in his power. But as the regulations of the Topographical Corps made it imperative to have authority from the Bureau at Washington, before such information as was in possession of the Topographical Corps here, could be furnished, it became necessary to apply to Col. J. J. Abert, as Chief of the Corps of Topographical Engineers, for an order to that effect.

On this application being made through your Excellency, the necessary order was promptly issued by Col. Abert, and notice of it forwarded to me through Senator Gwin.

General Hitchcock, upon the arrival of the order to Lieutenant Williamson, afforded every facility for the prosecution of the work, and the archives were opened freely for my examination.

The survey of the Salinas River and of the Tulare Valley, from its head to the San Joaquin, and on both sides of the Lakes by Lieutenant Derby of the Topographical Engineers, and the surveys and explorations made by the corps for the last three years in the north part of the State and in Oregon, collated by Lieutenant Williamson; also a map made by Geo. Gibbs, Esq., who accompanied Col. McKee, the Indian Agent, were used by me in constructing the map.

Having been informed that during the summer of 1851, Capt. Sitgreaves of the United States Topographical Engineers had come through from New Mexico, striking the Colorado high up, I immediately addressed Col. Abert the following note :—

[COPY.]

STATE SURVEYOR GENERAL'S OFFICE,
Sacramento, June 14, 1852.

SIR :—

Having been informed that Major Kendrick of the Army, and Captain Sitgreaves of the Corps of Topographical Engineers, on crossing the country from New Mexico in 1851, struck the Colorado in the vicinity of the 35th parallel, and that Captain Sitgreaves had reported to you the result of his reconnoisance, I take the liberty of applying to you for a copy of the report and map if they have been published; or if they have not as yet been published, and it is compatible with the regulations of the Bureau, I desire to get a copy of so much as relates to the Colorado River.

I have been ordered by the Legislature of this State to collect all the data that can be obtained from various sources, and compile as complete a map of this State as is possible.

You are aware that a portion of the eastern boundary of this State is a diagonal line, running from the intersection of the 120th meridian and the 39th parallel to the Colorado at a point where the 35th parallel crosses it.

The determination of this point is of great importance to this State, and is one of those cases, where owing to a combination of untoward circumstances we are compelled to look to, and await, the action of the General Government.

Any information relative to this, or other matters connected with the geography of this State, will be thankfully received and duly acknowledged. Please direct to me at San Francisco.

Respectfully your obedient servant,

(Signed) WM. M. EDDY.

To Col. J. J. Abert,
Chief of the Bureau of
Topographical Engineers.

In answer to which the following reply was received :—

[copy.]

Bureau of Topographical Engineers,
Washington, July 17, 1852.

Sir :—

I have received your letter of the 14th June, the report and map of the expedition under Captain Sitgreaves are not yet completed, as soon as these are completed and printed, copies will be sent to you.

I understand from Captain Sitgreaves that he encountered the Colorado, north of the 35th parallel, and, as he surveyed the river from that point down, his map will no doubt furnish much information.

Other reports of that country have been printed, as soon as we get copies of them I will see that you are supplied.

Respectfully, Sir,
Your obedient servant,

(Signed) J. J. ABERT,
Col. Corps Top. Engineers.

Wm. M. Eddy, Esq.,
Surveyor General, San Francisco, Cal.

I thus have secured to the State map the result of all the work of the Topographical Engineers in this State for the last four or five years, and the information gained is the more valuable, inasmuch as it covers the most dangerous portions of the State.

Much credit is due to Col. Abert for the promptness with which he responded to the application, and to General Hitchcock and his aid Major Townsend, and likewise to Lieut. Williamson, for the lively interest they have taken in the matter, and the facilities they have afforded.

In the mean time, knowing that the Assistants in the Coast Survey had completed the line of the coast from Initial Point, below San Diego, to Oregon, together with the survey of the islands along the coast and the various bays, I addressed a letter to Prof. A. D. Bache, Superintendent of the Coast Survey, and the following correspondence took place :

STATE SURVEYOR GENERAL'S OFFICE,
Sacramento, May 28th, 1852.

SIR:—

By an Act of the Legislature of this State, "to provide for a Map of the State of California," passed May 4th, 1852, I am directed to include in said map "all the data which can be obtained from the United States Coast Surveys," as well as other sources. The information collected under your directions in this State is of vast importance to us, and I trust it may be furnished this office at as early a date as possible. It is desired to include in the said map the work as far as completed, and also such work as may be added during this season. If compatible with the regulations of the Coast Survey, please forward me duplicate copies of such work as has been published, and authority to procure from the Assistants on this coast a copy of such work as may accrue up to the month of November of this year.

An answer at your earliest convenience, directed to me at San Francisco, is respectfully solicited.

Your obedient servant,

(Signed) W. M. EDDY,
Surveyor General.

PROF. A. D. BACHE,
Superintendent Coast Survey,

To which I received an answer through Capt. R. D. Cutts, Assistant on the Coast Survey, as follows:

[COPY.]

U. S. SCHOONER BALTIMORE,
ASTORIA, O., Sept. 7th, 1852.

SIR:—

I received to-day, from the Superintendent of the U. S. Coast Survey, a copy of a letter addressed by you to him, dated at Sacramento on the 28th May last, requesting to be supplied with all the data collected by the Coast Survey in California, in order that the same may be applied in the construction of the State Map ordered by an Act of the Legislature, passed May 4th, 1852.

By the regulations of the Department, the Superintendent is authorized to furnish information from the archives of the Survey on condition that the parties receiving it give full credit to the Coast Survey for such information, and also pay for the cost of copying, drawing, &c.

The estimated expense of supplying you with the data required is stated by the Assistant in charge of the office in Washington, to be about $300.

I have been requested by the Superintendent to inform you of the above regulation, and to enquire if the arrangement with respect to the expense would be satisfactory to you.

As I shall not return to California until October, it would materially

hasten the matter were you to direct your reply to this note to Prof. A. D. Bache, Washington City.

I am very respectfully, &c.,

(Signed) RICHARD D. CUTTS.

To WM. M. EDDY, ESQ.,
State Surveyor General.

[COPY.]

SURVEYOR GENERAL'S OFFICE,
Vallejo, Sept. 25, 1852.

SIR :—

I have just received from R. D. Cutts, Esq., Assistant on the U. S. Coast Survey, a letter dated at Astoria, Oregon, informing me of the regulations of the Department in reference to information furnished from the archives.

I will conform to the regulations and give "full credit" upon the face of the map, and will pay the office charges as you may see fit to direct.

Please forward me at once a duplicate copy of all such matter as has been printed, and a copy of that still unpublished, at the earliest possible moment.

I am desirous of completing the map by the 1st of January next, and therefore permit me to solicit the forwarding of the printed matter by the mail of the 5th November, and the other by the mail of the 20th November.

Please direct your communications to me at San Francisco.

Very respectfully,
Your obe't serv't,
WM. M. EDDY,
Surveyor General.

To PROF. A. D. BACHE,
Superintendent U. S. Coast Survey.

[COPY.]

OFFICE COAST SURVEY,
Washington City, Nov. 3, 1852.

SIR :—

Yours of the 25th September, addressed to the Superintendent, has been received, and by his direction I hasten to reply, that I this day send by mail, addressed to you at San Francisco, a roll containing the following published maps to wit: (two copies of each)

McArthur's Reconnoisance.
San Diego Bay.

Trinidad Bay.
Point Conception.
Point Pinos.
Mare Island Straits.
San Francisco City.
Monterey Harbor.
Catalina Harbor.
San Pedro Bay.
San Francisco Bay.

The roll will then go by the steamer of November 5th. Tracings of all the unpublished surveys of the Western Coast will be made and forwarded by steamer of November 20th.

Yours, &c.,

(Signed) ISAAC D. STEVENS,
Assistant in charge of office.

WM. M. EDDY, ESQ.,
Surveyor General, San Francisco, Cal.

[COPY.]

OFFICE COAST SURVEY,
Washington, Nov. 18, 1852.

DEAR SIR:—

By directions of the Superintendent, I send to-day, to your address, per Adams & Co.'s Express, a case containing tracings of the unpublished surveys of California by the Coast Survey, and copies of the published maps, (two copies each,) issued since the date of my last communication, as per inclosed lists. Inclosed I also send a list of geographical positions in California, and table of the latitudes and longitudes of points between San Francisco and San Diego. Should you desire it, descriptions of the stations can be furnished you.

The cost of preparing the tracings is $175, which please remit.

Those which are marked with a cross (X) will go by the steamer on the 25th inst.

Yours, &c.,
ISAAC D. STEVENS,
Assistant in charge of office.

The importance of the information thus derived can be readily understood, when we take into consideration that the whole coast will be as complete upon the map as is possible to be shown upon such a scale.

I take this opportunity of expressing my thanks to the Department at Washington for their promptness, and to Messrs. Cutts, Alden and Davidson, assistants on this coast, for their courtesy and attention throughout the matter.

That portion of the boundary of the State which lies between the initial point on the Pacific, and the junction of the Colorado with the Gila was furnished me by A. B. Gray, Esq., late United States Surveyor of the Boundary Commission, who kindly allowed me to take a copy of the same, with the adjoining country, from the official map prepared by him for the Department at Washington.

The remainder of the boundaries of the State being astronomical lines, it will be seen that I have met with great success in collecting data enabling me to fix, with precision, the entire boundary lines of California, and I now proceed with a description of the work in the interior, and of my other labors during the season.

In compliance with the 10th section of the "Act concerning the Office of Surveyor General, Statutes 1850, page 257," I prepared the following circulars to County Surveyors and County Assessors, which were addressed officially to the respective officers in each county in the State.

SURVEYOR GENERAL'S OFFICE,
Sacramento, June 1, 1852.

SIR:

I respectfully call your attention to the following extracts from the laws bearing upon the duties of your office in its connection with the Office of Surveyor General.

1st. From the "Act concerning the Office of Surveyor General, passed April 17th, 1850."

Sec. 9. He shall deliver to the Governor, annually, on or before the 15th December, his report which shall contain—

2d. An accurate statement of the progress he may have made in the execution of the surveys enjoined on him by law, and in the preparation of the map of the State.

3d. An estimate of the aggregate quantity of land belonging to the State, and the best information he may be able to obtain as to the characteristics of the same.

4th. An estimate of the aggregate quantity of lands used for, or adapted to tillage and grazing within the State, and each county of the State, together with a description of the locations in which the same may be situated.

5th. An estimate of the aggregate number of horses, cattle, sheep and swine within the State, and each county of the State.

6th. An estimate of the aggregate quantity of wheat, rye, maize, potatoes, grapes, and other agricultural productions of the preceding year.

7th. An estimate of the aggregate quantity of mineral lands within this State, and each county of the State, and the quantity and value of each mineral produced during the preceding year, together with a description of the localities in which said minerals may be found.

Sec. 10. He shall address a circular letter to the County Surveyors and County Assessors, instructing them, and it is hereby made a part of their official duties, to use their utmost diligence in collecting information relative to each and every matter mentioned in the ninth section of this Act, and to

transmit to him quarterly, at the Seat of Government, a report in writing, setting forth the result of their inquiries.

Sec. 11. He shall with his annual report transmit to the Governor all reports which he may have received from his deputies and other persons, as mentioned in the tenth section of this Act.

Your attention as County Surveyor is especially called to the third, fourth and seventh paragraphs of section nine, and it is desired that some especial care shall be taken in collecting the data as required. A sketch of your county, made on any convenient scale, noting all fixed and known points; the range and bearing of mountains and hills; the general course and bearing of all rivers and small streams, with the names thereof; names and locations of all towns, villages or settlements, with their distances from each other; is respectfully solicited from you to aid in carrying out the law "To provide for a Map of the State."

All geographical or topographical information thus furnished will be duly acknowledged in my Annual Report.

All reports containing the above information must be mailed to this office, (at Vallejo,) not later than the first of December, in order that they may be embodied in my annual Report, which I am required to make on or before the fifteenth of December.

2d. From the School Land, or 500,000 acre Land Bill.

"An Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress."

Sec. 3. "The parties purchasing such warrants and their assigns, are hereby authorized in behalf of this State to locate the same upon any vacant and unappropriated lands belonging to the United States within the State of California subject to such location, but no such location, shall be made unless it be made in conformity to the law of Congress, which law provides that not less than three hundred and twenty acres shall be located in a body.

Sec. 4. "Lands thus located shall be run off by a line north and south, east, and west, and shall be sufficiently designated by lines and distances, corners or posts, as the case may be, and an entry made thereof in the office of the Clerk of the County Court of the County in which said lands shall be located."

Sec. 5. "The location made of lands belonging to the United States as aforesaid, shall secure to the purchaser the right of possession to the land embraced within said survey, until such time as the government survey shall have been made, after which said lines shall be made to conform to the lines of sections, quarter sections, and fractional sections of said government survey; and in the event that two or more persons shall have made a location on the same section, then, and in that event, the person whose location embraces the largest portion of said section, quarter section, or fractional section, shall be first entitled to said location of the same."

Sec. 6. "If in the survey to be hereafter made by the General Govern-

ment, it shall so happen that the improvement made by any person purchasing and locating under this Act shall not comprise the larger part of the first survey, then, and in that case, the party may, if they prefer it, retain that portion which has upon it their buildings and improvements, although it may be the smaller portion of said section, quarter section, or fractional section: *Provided*, nothing herein contained shall authorize such location upon any lands heretofore granted by the State, or by the General Government, or on any lands at the time of such survey and location, actually occupied and improved by actual settlers, unless such location be made by the owner of such improvements, not to exceed six hundred and forty acres by any one person: *Provided*, also, that nothing herein contained shall prejudice the ownership or possession of any lands at the time of said survey and location, held, or claimed under grants from the Mexican or Spanish Government: and *Provided*, moreover, that at the time of making such location, the first settler or owner of any improvements situated on the tract proposed to be located, shall in all cases have the preference."

Sec. 7. "In the event that any location of lands be made under and by the provisions of this Act upon lands supposed to belong to the United States, which should prove to be land not the property of the United States, then, and in that case, the party owning such land warrant or warrants may float the same upon any other public land in the State of California: *Provided*, the float, and the reasons therefor, be made a matter of record, at the time, in the office where the original location was recorded."

Sec. 10. "Lands located under the provisions of this Act shall be surveyed by the County Surveyor, in each county where the location is made, who shall give a certificate setting forth the bounds, and the number of acres contained in such survey, and shall receive for his services such fees as are now or may hereafter be provided by law."

Sec. 11. "The clerk of the County Court shall make a record of all certificates of land located under the provisions of this Act, which may have been run off by the proper officer, and shall be entitled to receive from the owner of such location three dollars for such services."

Sec. 12. "The County Surveyor of the respective counties of this State, at the end of every three months from the taking effect of this Act, shall make out and forward to the office of the Surveyor General of the State, without fee for the same, a duplicate copy of each plat or survey, and certificate of the location of any land warrant made under the provisions of this Act in their respective counties, and for failure to do so, shall be liable to a fine of not less than five thousand dollars, recoverable before any court of competent jurisdiction on the complaint of any person or persons in interest."

N. B. All lines run as required above, in section 4, north, south, east and west, must be run by the true meridian, and not magnetic, so as to conform to the lines of the United States land surveys, and the Act takes effect from the 1st of June inst.

3d. From the law to "provide for a Map of the State of California."

Sec. 3. County Surveyors are hereby required to connect all surveys made by them in their respective counties with, and to some known points to be determined astronomically, or by connection with the United States surveys, whenever practicable, under the direction of the Surveyor General, and report the same to the Surveyor General in accordance with the provisions of the Act "prescribing the duties of County Surveyors, passed April 9th, 1850."

Your attention is particularly called to this law, and all returns of surveys under the 500,000 acre land law must be connected as herein provided, and express such connection in plain terms, so that the work can be used in constructing the State Map.

To prevent fraud, endorse on all warrants surveyed by you under the 500,000 acre land bill, the date and number of survey, and for whom surveyed.

Please acknowledge the receipt of this circular at once, and direct to San Francisco.

Respectfully yours,

WM. M. EDDY,
Surveyor General.

To ——— ———, County Surveyor.
——— County.

Surveyor General's Office,
Sacramento, June 15, 1852.

Sir:—

I respectfully call your attention to sections nine and ten of "Act concerning the office of Surveyor General," passed April 17, 1850; and in accordance therewith, request from you a report upon the matters referred to in the third, fourth, fifth, sixth and seventh paragraphs of the ninth section.

You will find the law referred to, on pages 256 and 257 of the Statutes for 1850.

Your report must reach me before the 1st of December, in order that it may be included in my annual Report, which I am compelled to make on the 15th of December.

Please acknowledge the receipt of this circular, (by mail,) direct to San Francisco.

Your obedient servant,

WM. M. EDDY,
Surveyor General.

To ——— ———, County Assessor,
——— County.

In the Appendix will be found such reports as came to hand in answer.

I would here recommend that the law making it the duty of County Surveyors to transmit such reports, be amended, or else provision made for their payment while engaged in such duties.

It is entirely foreign to the business of a Surveyor to collect any data respecting the items mentioned in section nine of the act referred to above, except so far as the quantity of land is concerned, and the requirement made of County Assessors is equally oppressive, unless provision be made to pay for the necessary labor.

The number of reports sent in is conclusive, that parties will not work without pay, and therefore, the law is entirely inoperative, and had better be repealed or properly amended.

As the census is taken once in five years, and as its returns are very full upon all points of interest in an agricultural view, and as all results under the present system must be very imperfect, I would suggest the doing away of the present system, and relying entirely upon the census returns for statistics of agriculture.

I had, in the meantime, completed my arrangements for a surveying expedition into the mountains, and on the 19th of June I left San Francisco for Sacramento city, where the party who were to accompany me were to rendezvous on Monday the 21st.

Monday morning found the party consisting of W. W. O'Dwyer, Esq., and Capt. J. R. L. Smith, as assistants; J. J. Gardiner and John Sherman, as subordinates, all on hand and everything ready for action.

We were well supplied with good instruments, some of which I purchased for the State, and others I had hired for the time being.

We had a fine thirty-four inch transit, with two and a quarter inch aperture, which I was compelled to purchase, as it was the only one that could be obtained in the State, and the party who held it, would not lease it for the trip—it is a valuable instrument, and would readily sell for nearly its prime cost, but it is such an instrument as ought always to belong to this office.

We also had two sextants and one quadrant with artificial horizons, one compass, one barometer, and two thermometers.

One of the sextants with horizons and the thermometers were bought for the State, and the rest hired.

I hired two fine chronometers of Mr. McGregor, of the San Francisco Observatory, who rated them with great care and nicety; they were placed in a basket well cushioned, so as to prevent as far as possible any jarring; these chronometers were at all times carried by hand, and whenever the road was at all rough, the person having them in charge was required to go on foot.

I also fortunately had with me an excellent pocket chronometer.

Having been applied to by a large number of citizens of this State, and others, residents of Carson's Valley, to determine the position of the eastern boundary with reference to that valley, and being informed by parties who had crossed this season, that the road was practicable for a wagon, and having so many instruments to carry, I hired a wagon as a matter of economy to transport ourselves and baggage.

I had made full arrangements to cross the Sierras for that purpose, intending to travel with the relief train from Placerville and with this

view, the greater part of this day was taken up in getting the necessary stores, &c., together; in the meantime we took A. M. and P. M. observations for time, testing the rate of our chronometers, and in the evening we took observations on *Polaris* and *Antares* for latitude.

Tuesday 22d. This morning, as early as possible, we left town and made twenty miles this day; our progress was necessarily slow, as the great caution required in carrying the box chronometers would not allow us to go faster than a walk.

23d. This morning we proceeded to White Rock Springs before breakfast; this place is at the commencement of the foot hills of the Sierra, and is about twenty miles in a direct course (25 by road) from Sacramento City, the road thus far lying in the plain, was very smooth and level; for the next fifteen miles we passed over a fine rolling country suitable for grazing and tillage; as we approached Placerville, the route became quite hilly and broken, still with a very good road, and we arrived at Placerville at sunset. *A topographical sketch of the country was in all cases made as we went along.*

Intending to make this a point of departure with reference to Carson's Valley, I determined to fix its locality with the greatest precision our time would admit of; to this effect, we set up the transit on the 24th, and remained here until noon of the 28th; during this time we observed daily the meridian passage of the *Sun*, *Jupiter*, and *Antares*, and other stars, with morning and evening observations for time, which, together with full sets of lunars, gave us twenty-three observations for longitude, the extremes of which came within 52 seconds of each other, and give the longitude 120° 48′ 11″.

We also took twelve observations on northern, and six meridian observations on southern stars for latitude; the mean of these, both north and south, gives for the latitude 38° 45′ 05″.

While here we computed a sufficient number of observations to satisfy ourselves as to our position *approximately*, and finding that Placerville was but about forty-six miles from the angle of the State boundary at the intersection of the 39th parallel and the 120th meridian, and that the lowest estimate of the air line distance from Placerville to the Mormon station in Carson's Valley was sixty miles, I was reluctantly forced to the conclusion that the valley was from twelve to fifteen miles out of the State.

In coming to this conclusion, I had the opinion of every one that I could fall in with in that vicinity, who had any information upon the subject, amongst whom were several residents of the valley, and persons who were anxious that the valley should be declared within the State.

I stated to them the distance, and they all said "'Twas useless to try to make the distance less than sixty miles in air line."

Owing to the smallness of the appropriation and the certainty that I felt in the fact that Carson's Valley was outside the limits of the State, I did not feel warranted in going over there at the expense of the State.

However, I made a proposition to the gentlemen from the valley, that if they would pay the bare expense of my party, I would go over in the month of August. This proposition they agreed to lay before the inhabitants of the valley, and to let me know the result; but I have not heard anything from them relative to the matter.

Our plan of operations being thus changed, I determined to return to

Sacramento, procure animals and strike across the country, from the American to the head waters of the Feather. Accordingly, we left Placerville the afternoon of the 28th, and reached Sacramento the next day at 3 P. M., June 30. July 1st and 2d we passed in taking a full set of observations, using the transit, and found the latitude 38° 34′ 40″, and longitude 121° 23′ 16″.

We left Sacramento at 5 P. M. on the 2d, and rode to Oak Grove that night. We reached Auburn the 3d at 3 P. M., and immediately adjusted our instruments, and at night took lunars for longitude, and altitudes of *Polaris*, *Antares* and *Jupiter* for latitude.

We left Auburn July 4th, at 11 A. M., and arrived at Grass Valley at 8 P. M. On the morning of the 5th, we proceeded to Nevada where we took a similar set of observations to those taken at Auburn, and left on the 6th for Downieville, and arrived at Galloway's ranch, four miles from Downieville, on the 7th. For various reasons I determined to take the observations for Downieville on the hill at Galloway's, instead of going down to the village.

We took the usual lunars and altitudes, and on the 8th left Galloway's at 11 A. M., and started for the Feather River. We arrived at Bidwell's Bar on the 10th, but the weather was so cloudy that we could not get any observations, and for the first time in our trip had missed them.

As I had a connecting survey from this point to Hamilton, we proceeded to Ophir that night, and the next morning pushed on to Marysville.

At this place we set up the transit to test our chronometers, and passed the 12th, 13th and 14th in taking a similar set of observations to those taken at Placerville and Sacramento, and found that our chronometers had run remarkably well. Latitude of Marysville 39° 09′ 12″, longitude 121° 30′.

On the 15th we returned to San Francisco, and Messrs. Gardiner & Sherman were discharged. Mr. O'Dwyer, Capt. Smith and myself, immediately commenced computing the mass of work which we had taken, which kept us busy until the 3d of August. On the 3d Mr. O'Dwyer went to Vallejo with me, where we commenced the office work on the map.

On the 16th of August Mr. O'Dwyer, Capt. Smith and myself started for another expedition, through the counties on the San Joaquin and tributaries.

We visited Moquelumne Hill, Sonora, Stockton and Mariposa, taking all the necessary observations for latitude and longitude, and a topographical sketch of the country.

We returned to San Francisco on the 7th September, and computed the observations taken during the trip.

In Appendix "A" will be found a table of latitudes and longitudes of various places, including those taken by me during the season.

The two expeditions covered that portion of the State embraced in Mariposa, Tuolumne, Calaveras, San Joaquin, Sacramento, El Dorado, Placer, Nevada, Sierra, Yuba, portions of Butte and Sutter counties, and with the aid received from other parties, I feel confident that this portion of the map will be found to be in the main correct.

The construction of the map is rapidly progressing and will be ready early in the session.

I must at this place return my sincere thanks (for data furnished) to the following County Surveyors:

To J. T. Lowry,	County Surveyor of		Siskiyou.
" Mr. Vosburgh,	do	do	Shasta.
" Dr. Stockton,	do	do	Butte.
" D. B. Scott,	do	do	Yuba.
" C. Marsh,	do	do	Nevada.
" A. Rowe and Col. Cleal,	do	do	Sacramento.
" M. B. Lewis, (Dep.)	do	do	Mariposa.
" W. J. Lewis & S. Day,	do	do	San Jose.
" D. C. Pinkham,	do	do	El Dorado.
" Col. Dickinson, (Dep)	do	do	Mariposa.
" J. S. Whiting,	do	do	San Joaquin.
" F. R. Loring,	do	do	Solano.
" J. A. Tivey,	do	do	Tulare.
" Mr. Carter, (Dep.)	do	do	Marin.

" Messrs. Col. Tatham, N. Gray and A. Brouk.

Mare Island.—I would call attention to the fact, that, by an Act passed at the last session defining the boundaries of Solano and Sonoma Counties, Mare Island, was left out of both counties, and, at present, is not within the jurisdiction of either, surveys being called for on the Island the past season, I directed the Surveyor of Solano to attend to them.

GEOLOGICAL SURVEY OF THE STATE.

The geology of this State is of great importance to us, and in the development of its mineral resources would be of much value—it would point out to our citizens, as well as foreign capitalists, our vast resources, not only from quartz veins and veins of *other ores*, but those lands which are impregnated with the precious metals, yet are not, at present, available from the want of water, and the high price of labor.

Professor J. B. Trask, has, for the last two years, been engaged in making a geological survey of the mineral region lying on the Sierra Nevada, from the Tulare country to the Oregon line, and has prepared a geological map, which, the publication of, under the auspices of the State, would, I think, be of great service to every one engaged in mining.

SCHOOL LANDS.

Under an act passed by the last Legislature "to provide for the disposal of the 500,000 acres of land granted to this state by the act of Congress," there has been up to December 1st, (as I am informed by the Comptroller,) 372 warrants issued for 160 acres each, and 160 warrants issued for 320 acres each.

The law requiring the warrants to be located by the County Surveyors, and quarterly returns of such made to this office, I have to state, that at the

end of the first quarter, (Sept. 1st,) the quarterly reports began to come in, of which, many had to be sent back for various informalities.

In my circular to County Surveyors, dated June 1st, I had copied all that portion of the law which referred to the duty of County Surveyors, but finding that many provisions were not fully understood, I issued the following circular, which I forwarded to each County Surveyor in the State.

SURVEYOR GENERAL'S OFFICE,
Vallejo, October 1, 1852.

SIR:

In June last, I forwarded to you the annual circular required of me, and directed it to ———, to which I have received ——— answer.

Having had many inquiries made to me in reference to various constructions of law relative to "School Land Warrants," I deem it proper to add the following suggestions:

1st. The boundaries of all lands located under "School Land Warrants" must run north, south, east and west, by the *true meridian* in all cases, except where one of more of the sides are such *natural boundaries* as will be taken under the U. S. Land Surveys to make fractional sections.

2d. Fractional sections are made in the U. S. Surveys whenever the lines strike any bay, lake, or navigable stream.

I suppose that in this State, our mountain streams will in most cases be regarded as natural boundaries, when they become too large to measure across without triangulation.

3d. Swamp or overflowed lands being at present the property of the State and not of the United States, cannot be taken as school lands.

4th. The number of the warrants must in all cases be returned to this office, with your report of the survey.

5th. In the event that no school land warrants are located in your county, you will notify this office of the fact.

N. B. All reports for this office must be mailed not later than the 1st of December, in order that they may be embodied in my Annual Report, which I am required to make by the 15th December.

Respectfully yours,

WM. M. EDDY,
Surveyor General.

To ——— ———, County Surveyor.

Up to the present date there has been received and registered in this office the certificate of survey for —— warrants for 160 acres, and —— warrants for 320 acres each, a statement of which by counties, is more fully set forth in Appendix (B.)

I would call your attention to an important omission in the present law. It is this—the law does not provide that when a warrant is located, that the proper officer shall endorse upon the back of said warrant *the date and place* of such location; and there is nothing to prevent the same warrant being located in several counties. In many instances the returns have come to this office without the numbers of the warrants so located, and others, where there was more than one warrant, the quantity to each number not given, only the gross amount.

Again an instance occurred where the same warrants were located in two different counties, and the fact not ascertained until the returns came into this office, and the party making the location was applied to for an explanation of the matter; his reply was "that he intended to 'float,' but as yet had not made his election which piece he would keep."

He is at the same time in a position to reap a double benefit from his warrant, for it is not to be supposed that a party who might wish to take up this land would look further than the County Records of the county in which the land lay. In my circulars I requested the County Surveyors in all cases to endorse the location upon the back of the warrant, and also to return the numbers of the same; still, as there is no law *requiring it to be done*, it is optional with the holder of the warrant whether he will permit it or not.

SWAMP OR OVERFLOWED LANDS.

In my last report I gave an estimate of the quantity of such lands in this State, amounting to two millions six hundred thousand acres. During the past season I have more fully examined the matter, and am now confident that the above is an under estimate.

I would recommend that the Legislature pass at this session some act to provide for the disposal of these lands, to the actual settler, and repeat the views expressed in my last report, viz:—"These lands being as fully the property of the State at this present time, as if the patent had issued, the State has an undoubted right to dispose of them in a similar manner without waiting for the patent, by giving a warrant containing an agreement on the part of the State, to give the purchaser a good and sufficient deed whenever the patent is obtained.

"These warrants being made evidence of title, there would remain no cause for delay in disposing of the lands at an early date."

As the United States land surveys are being pushed with great vigor, it will be within our power this season to have lists and plats of large quantities of this land made out and forwarded to the Secretary of the Interior, and have the patent thereof, issued at once, without waiting for the completion of the U. S. survey of the whole State, which owing to its extent, our mountain and mineral lands will require many years to complete.

The addition of a law providing for the occupation and possession of our swamp or overflowed lands, in conjunction with the present statutes relative to possessory titles, will at once give a permanence and feeling of security to a large and valuable class of our citizens, and largely add to the list of taxable property, thereby increasing the revenue of the State.

RAILROAD TO THE ATLANTIC.

The people of this State have often expressed themselves upon the importance and urgent necessity of a railroad to the Atlantic and entirely within our own borders as a nation. Two out of the three Legislatures having spoken strongly in its favor; the press has often urged it; our candidates for political suffrages have felt its necessity so much as to make it a cardinal principle in their creed; and every citizen who cares aught to see the commerce of the world carried across our land, and thereby building us up as the greatest commercial people on the earth, and as a necessary consequence the most powerful and wealthy; all see the desired boon and the means to attain it, but as yet each one is waiting for his neighbor, and all waiting for the assistance of the Hercules in the shape of the General Government.

The great shadow which has frightened capitalists in the matter is in my opinion the crossing of the Sierra Nevada. I have conversed with many persons, several of whom are practical engineers who have crossed the Nevada at different passes, and from information so gathered I am fully convinced that there are several practicable passes, and these too where the snows are not one whit worse than in the New England States and Canada.

I suggest then that, to show that we are in earnest about this work and that we have full faith in its practicability, and more than all to set forth and show to our brethren at the East that the road is practicable, and that too by more than one route, that this Legislature appropriate a sufficient sum of money to pay for a preliminary survey of the various passes through the Sierra, and if need be, let one party strike via of the Humboldt to Salt Lake, and let the other strike from the Mohave across the table lands to the left of the Gila to the Rio Grande.

This survey can be made at a cost trifling in comparison with its importance, it is a first step which, when taken, will be sure to expedite others, and it is the initiative which we in California above all others ought to take; it is bad policy to wait for the General Government to move in a matter where there would be the opposition that this project is sure to meet with; no, let us rather *prove* by demonstration that both routes are practicable, and then let the one who wants the prize most strike first.

Congress now pays over $700,000 per annum for mail service from the Atlantic to the Pacific States, and which for forty-eight transmissions of the mail is nearly $15,000 per trip; demonstrate the feasibility of the plan, and can there be a doubt but that Congress would pay largely for the boon of a daily mail, and the certain means of transmitting troops entirely within our own borders.

Disguise the fact as we may it is nevertheless true, that unless we commence this work at once and prosecute it with energy we run the risk of losing our natural advantages, and the transhipment of the commerce of the Indies and China will pass into a channel of trade on the Isthmus that will trouble us to change.

Already we see the hand of England at all of the crossing places south

of Acapulco, and more especially within a very short time at Panama, by the establishment of a line of five steamers to run from Panama to Australia, touching at the principal islands in the Pacific. These ships are to be on the route in May, 1853, and then England will only need *one link* to complete the encircling of the world with lines of steam.

In time of peace prepare for war, is a maxim that all acknowledge. There are specks in the horizon which may be a mere summer cloud, or they may spread to cover the Heavens. Look at things as they are; let there be a war and where are we here in California? Shut up as it were in a prison; our harbors blockaded—all our resources from the sea cut off—our steamers inefficient for want of armament—and should they venture out with treasure on board, can we doubt but that they would be surrounded by a fleet of privateers.

In the event of war with any power that has a sea coast, we would be harrassed by *letters of marque*, and let a few cargoes of provisions be destroyed and we would be in a bad fix here in California, where it is almost impossible to get sixty days' provisions ahead.

I have seen in a communication to Congress through one of the committees a letter from Mr. W. H. Aspinwall, in which he instituted a comparison between the late movement of five hundred troops from New York to California in thirty-five days, instead of six months around the Horn.

But mark the fact, those troops had to pass through a foreign country which may be closed to us at any time if a *combination* of certain powers could be effected. Build the road and you can send train after train loaded with troops and provisions from the Atlantic to the Pacific in five days. No foreign country to pass through—no infectious climate to decimate our troops —but our own free, pure soil of liberty to travel over, and our own countrymen to guard us.

For estimates of the various routes and general statistics I have concluded to adopt the words of General James A. McDougal, who has given the subject close attention, and is, I think, nearly correct in his data.

Three different routes have their advocates. The northern route, rising with the valley of the Sacramento to a point opposite where the rugged and abrupt ridges of the Sierra sink into a comparatively low but somewhat broken table land; crossing from this point to a point on the Humboldt River about ninety miles from the sink, and thence on a line north of the great Salt Sea, through the South Pass and by Fort Laramie into Independence.

The southern route passing up the San Joaquin and Tulare Valleys, crossing a low ridge at the southern base of the Sierra Nevada, through what is known as Kern's Pass, thence to the Mohave, thence to the Colorado below the mouth of the "Big Cañon," thence across the table land cutting the head waters of the northern affluents of the Gila to the Rio Grande, in the neighborhood of Belen or Tome, thence down the Rio Grande to San Diego, from near which point a pass opens into the vast plains extending from the Gulf of Mexico to St. Peters and the northern lakes, affording an almost perfect natural grade to Austin, Nachitoches, Fort Smith or Independence.

There is still another route, going south as before to the Mohave, thence north easterly near the line of the road from Los Angeles to Salt Lake,

striking the head waters of the Arkansas, and descending with the waters of the Arkansas to Bent's Fort, and from that point to Independence.

This pass through the Rocky Mountains is the same attempted by Fremont in 1848, when losing his way his party suffered so terribly in the snows. The character and capabilities of this pass are not as yet well understood.

The long stretch between the Mohave and the Rio Grande is generally a desert, and the distance is from two to four hundred miles greater than by either of the other routes proposed. For these reasons I shall not discuss this route in detail.

The northern route from the navigable waters of the Sacramento to the point mentioned on the Humboldt, is known to me only from the reports of emigrants and travellers. It is unquestionably true, however, that a great portion of the distance can be accomplished along the natural grade of the Sacramento, that the mountainous ridge of the Sierra can be turned to the north, and that with fifty miles of a broken, but not mountainous line overcome, the road can be carried into the plain of the Great Basin. From the plain of the great basin rising to the summit of the South Pass, and descending to the navigable waters of the Missouri, it is a remarkable and ascertained fact, that along any equal distance of railroad in the world, art has not accomplished as perfect a grade as nature has here afforded for the purpose. From the waters of the Humboldt to the summit of the South Pass, there is not a section of thirty miles where the mean rise is more than fifteen feet to the mile, and all hills can be avoided.

From the South Pass the country falls equally and imperceptibly not more than six feet to the mile, all the way to Independence.

There may be slight inequalities of surface, but there is not a hill and scarce a stream to cross. These facts as to the route from the Humboldt to the Missouri, have been scientifically ascertained, and I state this after a careful examination of a complete profile of the route, prepared from a topographical survey, made at the instance of the Government.

From the Bay of San Francisco to the head of the Tulare Valley, there is a continuous, gradually rising, but almost level plain. The low ridge running from the Coast Range to the southern base of the Sierra Nevada, it has long been understood, presents no serious obstacle to egress, with a road into the level country south and east of the Sierra. Extra grading will in all probability not be required for more than ten miles at this point. You then reach the Mohave without obstruction; the grade is already completed. From the Mohave you have to strike across the Desert of the Colorado crossing, and perhaps passing one of its affluents from the west. This sandy desert is the most serious difficulty on the route; but as it is now well ascertained that water can be had almost anywhere upon the Desert, by sinking wells but a few feet, the difficulty is only in protecting the road from the shifting sands. This protection will have to be afforded, probably, for sixty miles. It will add but little to the cost of the road, but considerable to the expense of keeping it in order.

I propose to strike the Colorado below the Cañon, and rise to the plain of the table land lying between the Colorado, the Rio Grande and the Gila, then leaving the banks of the waters of the Gila to the south to strike the

Rio Grande near Belen. Having traversed this body of country, I know from personal observation, that a road can be run from the Colorado to the Rio Grande without a mountain obstruction. It is a vast and almost level table land, gradually rising towards the centre, with abrupt ridges of two or three thousand feet elevation at intervals, but sinking into common table land, after extending some fifteen or twenty miles. From Belen down the Rio Grande to the pass between the Santa Fé range and the Oregon mountains, we have a perfect grade, with no obstruction but the crossing of the Rio Grande, which is by no means a formidable obstruction. The pass of which I speak is a perfectly open and level road without obstruction. From this point, whether you strike towards the south into Texas, towards the east into Arkansas, or towards the north into Missouri, we have a grade about the same with that from the South Pass to Independence.

If these observations be correct, and I am satisfied that they are substantially correct, there is not the least serious natural obstacle to the construction of the road either by the valley of the Sacramento or the San Joaquin, while with the exception of a few trifling obstructions, the great hand of Nature has graded a highway to our lands. We have no Alps to tunnel, no Alleghanies to cross, neither the snows and winters of Moscow or New England to contend against. But fellow citizens, if the curtain of clouds is raised from the route of the road, and all is made to appear smooth and practicable, as it is, yet still an equal obscurity seems to rest upon the sources and resources for its construction.

I shall attempt fearlessly to grapple with this difficulty also. It is said

"Fools rush in
Where angels fear to tread."

This may be my case, but confident of the virtue of the attempt, and perhaps egotistically confident too, of being equal to it, I hazard the undertaking.

Ignorant speculation in the Atlantic States, assuming that the Sierra Nevada and the Rocky Mountains were great natural barriers to be overcome by the application of immense labor, has in some instances placed the cost of this work as high as $200,000,000. I have as yet seen no calculation upon the hypothesis that it is nearly a level route from the Atlantic to the Pacific waters.

For the purpose of making an approximate estimate of the cost I have divided the routes into western, central and eastern sections, and distances as follows:

	Miles.
From New Waters of Sacramento to a point on the Humboldt, -	250
Humboldt River to Fort Laramie, - - - -	925
Fort Laramie to Independence, - - - -	630
	1,845
Bay of San Francisco to Mohave, - - - -	470
Mohave to San Diego on Rio Grande, - - -	675
San Diego to Nachitoches, - - - - -	790
	1,939

San Diego to Fort Smith, - - - - -	825
San Diego to Independence, - - - - -	879

Within a few years the cost of constructing railroads has been greatly reduced, partly from improved experience, and the business being better understood and more systematically pursued, and partly from the decrease in price of the iron material, on account of the surplus manufactured and seeking a market.

I recently noticed a statement that the contract to construct a railroad from Terre Haute on the Wabash, to Alton on the Mississippi, with turnouts, depots, cars, and all necessary fixtures, the distance 175 miles, had been taken by a party of Massachusetts contractors, for the gross sum of $3,000,000, payable partly in cash, part in stock, and part in bonds, secured by the road. The road and its accompaniments to be of the best description, with the most approved rail. This road is to be constructed and set in operation at a cost of $17,000 per mile; it passes over a country not equal in point of grade to the eastern section of either route proposed, but little better timbered, and having no advantage over either, except in the distribution of material.

I am no engineer, but in my calculations I have had the assistance of some of the best engineers in California. After making all the allowances that their experience and my own reflections have suggested, I am satisfied that an addition of 33⅓ per cent. upon the cost of the Illinois road, will cover all extra cost of a road to Fort Laramie or the Rio Grande.

The road from Fort Laramie to the Humboldt river furnishes an almost equally favorable grade—quite equal to the grade of the Illinois road. It runs near the large Mormon City, which will furnish both supplies and labor, and as the road is pushed forward, population and production will be pushed forward with it. Labor here can be employed upon the same terms that it can be employed on the Mississippi. The transportation of provisions and of men will be trifling, as the road must be completed as it progresses, and the perfect healthfulness of the climate will give a great advantage over labor on the Mississippi.

The additional cost of distributing material will again be the principal difference of the cost of this portion of the road, and making all reasonable allowances, I cannot for this section add more than 75 per cent. to the mile, with which I have started.

The road from the Humboldt to the Sacramento, would be commenced from this end. Iron can be delivered cheaper at San Francisco than at St. Louis. The hills bordering the Sacramento and the Sierra Nevada are planted with the best of timber trees. The labor of distributing the material would not be greater than upon the Illinois road. Would not 100 per cent. added to our starting price be a reasonable allowance? It is much greater than the estimates made by the engineers of the San Jose railroad, and cannot, I think, be below the mark.

From San Diego on the Rio Grande, up the Rio Grande, the grade is perfect, and there is sufficient timber. No heavy cutting is necessary to rise from the bottom to the plain of the table land. There is an abundance of pine and cedar from the Rio Grande to the Colorado. The grade is almost perfect, except a very practicable descent to the Colorado. A

considerable portion of the route passes through the settlements of New Mexico, and the remarks as to the other central section apply generally to this. The crossing of the Colorado and Rio Grande, with the difficulties of the Desert, will however, add considerably to the cost of this section—say 25 per cent.—making the cost of this section an increase of 100 per cent. upon the Illinois cost. From the Mohave river no reasonable estimate can be made making the cost per mile more than $30,000.

Assuming these estimates to be true, the northern road will cost, from the Sacramento to the Humboldt, 250 miles, 100 per cent. added, say $35,000 per mile, is $8,750,000; from the Humboldt to Fort Laramie, 925 miles, 75 per cent. added, $30,100 per mile, is $27,842,500: from Fort Laramie to Independence, 930 miles, 33⅓ per cent. added, $22,933 per mile, is $14,447,790; making the entire cost of the road, turnouts, depots, cars and fixtures, from the navigable waters of the Bay of San Francisco to Independence, on the Missouri, $51,030,290.

The southern route will cost, from the Bay of San Francisco to the Mohave, 474 miles, $30,000 per mile, is $14,222,000. From the Mohave to San Diego, 675 miles, 100 per cent. added, say $35,000 per mile, $23,625,000; from San Diego to Nachitoches, 790 miles, 33⅓ per cent. added, $22,933 per mile, is $18,057,170; making the aggregate cost of a complete running road from the Bay of San Francisco to Nachitoches, on Red River, $55,902,170.

It appears, and to me clearly, fellow citizens, that this road upon either route, can be constructed at about one-fourth the amount estimated by some of the ignorant and dreaming speculators on the Atlantic.

U. S. LAND SURVEYS.

For the present condition of the United States Land Surveys and the amount of work at present done, I refer you to the following interesting letter from Samuel D. King, Esq., the United States Surveyor General for this State, from which it will be seen that Mr. King is prosecuting the surveys with great energy and vigor.

U. S. Surveyor General's Office,
San Francisco, Cal., Dec. 24, 1852.

Sir:

In answer to your inquiry, I have to state for your information that owing to the want of the appropriations necessary for the prosecution of the work, and the general orders of the Department prohibiting the contracting of the same in anticipation of expected news, but comparatively little could be done during the last summer.

To prevent as far as possible any delay in commencing the work in the southern division of the State, a party was organized and sent there in August last, to make a reconnoisance of the country, with a view to the ascertainment of the most suitable position from which to start the

meridian and base lines to which the surveys in that portion of the State are to have reference, and after a careful exploration a peak of Mount San Bernardino was selected. Since then a Deputy Surveyor, appointed for that purpose, has erected a permanent and conspicuous monument at that point, and the surveys are progressing therefrom.

Advice of the passage of the Deficiency Appropriation Act having been received early in September, preparations were immediately made for carrying on the work, by subdividing into townships those portions in which the necessary preliminary lines had been previously established, and by running such additional ones as were required for more extended operations, but the continued bad weather has so affected all field operations that five of the seven parties who were out have had to cease work.

The result has been that since the date of my letter to you of February last, the following work has been done in the field.

The first standard line south, has been run from the west foot of the Coast range to the Pacific. Standard lines, to govern the surveys in the San Joaquin valley, have been run from the corners on the base line to ranges 8 and 9 east to "Four Creeks."

Another line to regulate the surveys in the valley of the Sacramento has been partially extended, north from the corners, to ranges 8 and 9 east, on the base line.

The following desirable portions of the State have been laid off into townships:

All north of the base line, west of the meridian, and east and south of the bays of San Francisco and Suisun.

The tract between the Sacramento river and the meridian line, and south of the second standard line and a range west of the meridian, between the first and second standard lines.

The tract between the meridian line and the Pacific, south of the first standard line, and north of the bays.

And the tract east of San Francisco Bay west of the meridian line, and between the base line and the first standard south. The deputy who was employed upon this work, has been prevented by the weather from executing that portion of his contract which embraces all the other lands between the meridian and the Pacific.

A deputy is now in the field, running the base and meridian lines from Mount San Bernardino, and another is engaged in making township surveys connected therewith.

All but one of the initiatory surveys of private claims ordered by the Commissioners have been made and returned, or are now in progress.

The unsettled condition of the private claims will necessarily greatly retard the all important work of sectionizing in the most fertile and densely inhabited portions of the State, and where it is most desirable that the settler should be enabled to discriminate between the undisputed public lands and those which are claimed under foreign titles.

So soon as it is practicable to go on with the field work, other base and meridian lines will be established in the north-western part of the State, to control the work in that region, and every endeavor will be made to sectionize so much of the land in that portion of the State as may be required by the wants of the inhabitants at the earliest possible period.

Congress having made all the appropriations which had been asked

for this office, ample funds are now applicable to the progress of the work, and it is my intention to press it forward with all practicable rapidity, and wheresoever I can ascertain that the agricultural lands are unclaimed, to have those lands laid off into the minutest legal subdivisions, as being a work of permanent interest to the great mass of those desiring to become agriculturists, by enabling them to go on in making their improvements, with the full assurance that their labor will not be expended upon lands which may eventually be ascertained to belong to other persons.

Very respectfully,
Your obedient servant,

[Signed.] SAMUEL D. KING,
U. S. Surveyor General.

WM. M. EDDY, Esq.,
State Surveyor General, San Francisco.

I would also call the attention of the Legislature to the fact that every county officer, except the Surveyor, is provided with an office at the expense of the county; this is an invidious distinction, and ought to be corrected, by placing the county surveyor on the same footing as other county officers.

I must here return my thanks for the able assistance afforded me during my expeditions and in the construction of the map, to W. W. O'Dwyer, Esq., Capt. J. R. L. Smith, and the others comprising my party, for the zeal and application to the business in hand while employed by me.

All of which is respectfully submitted.

WM. M. EDDY,
Surveyor General.

His Excellency, JOHN BIGLER,
Governor of the State of California.

APPENDIXES

TO THE

REPORT OF THE SURVEYOR GENERAL.

MADE DECEMBER 15th, 1852—CONTAINING AS FOLLOWS:

Appendix [*A.*]—Table of Latitudes and Longitudes.

Appendix [*B.*]—A table of School Land returned prior to December 1, 1852, under the Act to dispose of the 500,000 acres.

Appendix [*C.*]—Reports of County Surveyors and Assessors, viz.:

Report of	W. J. Lewis,	Surveyor	Santa Clara	County,
"	J. T. Lowry,	"	Siskiyou	"
"	D. B. Scott,	"	Yuba	"
"	Geo. Vosburgh,	"	Shasta	"
"	Henry Hart,	"	Trinity	"
"	A. D. Easkoot,	"	Marin	"
"	Warren Brown,	"	Contra Costa	"
"	V. Wackenruder,	"	Santa Barbara	"
"	S. W. Wright,	"	Santa Cruz	"
"	Jno. Tatham,	Assessor	Butte	"
"	Edgar Frazer,	"	Sierra	"
"	S. Vaughn,	"	Solano	"
"	F. L. Branch,	"	San Luis Obispo	"
"	J. C. Pinnell,	"	Napa	"
"	J. H. Hastings,	"	Contra Costa	"

APPENDIX [A.]

TABLE,

Showing the number of Observations of each kind taken at different localities, with the whole amount of the same.

NAMES OF PLACES.	SETS OF OBS. FOR LATITUDE. CHRONOMETER. Altitudes.	Transits.	Lunars.	SETS OF OBS. FOR LATITUDE. Northerly.	Southerly.	Extra Observations placing Transit Instrument.	Number of Sets.	Number of Sights.
Placerville, ...	10	9	4	12	8	2	43	163
Sacramento, ...	8	9	3	3	9	2	34	135
Auburn, ...	2		1	1	2		5	30
Nevada, ...	3		1	1	2		7	39
Galloway's, ...	2		1	1	2		6	31
Hamilton, ...	4		1	1	6		12	34
Marysville, ...	4	6		3	7	2	22	82
Mokelumne Hill, . . .	3		2	2	3		10	30
Sonora, ...	3		1	1	2		7	28
Mariposa, ...	3		1	2	2		8	29
Total,	42	24	15	19	40	6	155	601

GEOGRAPHICAL POSITIONS.

I.—Latitudes and Longitudes from Observations made with reference to the compilation of the State Map.

NAMES OF PLACES.	LATITUDE N.	LONGITUDE W.	REMARKS.
	° ′ ″	° ′ ″	
Placerville,	38 45 05	120 48 11	Observations taken in June, July, August, and September, 1852, under superintendence of Wm. M. Eddy, Esq., Surveyor General California, assisted by W. W. O'Dwyer, Esq. and Capt. J. R. L. Smith.
Sacramento,	38 34 40	121 23 16	
Auburn,	38 54 24	121 02 22	
Nevada,	39 17 48	121 03 18	
Downieville,	39 33 16	120 39 08	
Ophir,	39 31 55	121 26 14	
Hamilton,	39 27 48	121 32 47	
Marysville,	39 09 12	121 30 00	
Mokelumne Hill,	38 16 22	120 29 48	
Sonora,	37 58 40	120 11 25	
Mariposa,	37 28 36	119 44 22	

II.—Positions obtained by connection with the U. S. Land Survey.

NAMES OF PLACES.	LATITUDE N.	LONGITUDE W.	REMARKS.
	° ′ ″	° ′ ″	
U. S. C. S. Station at Presidio, San Francisco,	37 47 37	122 26 25	Connection formed by measurements from U. S. Land Surveys and others, with the U. S. Coast Survey Station, near the Presidio, San Francisco, the Geographical position of which was determined by G. Davidson, Esq., U. S. Coast Survey.
San Francisco, (Portsmouth Sq'r,)	37 47 39	122 23 26	
Monte Diablo, (South Peak,)	37 52 54	121 54 01	
Benicia, (Landing,)	38 02 29	122 09 25	
" (Barracks,)	38 03 21	122 07 13	
Martinez,	38 01 11	122 07 13	
Stockton,	37 57 00	121 14 26	
Castoria,	37 52 55	121 14 26	
Vallejo,	38 05 05	122 14 05	

III.—United States Reconnoissances.

NAMES OF PLACES.	LATITUDE N.	LONGITUDE W.	REMARKS.
	° ′ ″	° ′ ″	
San Miguel,	35 35 00	120 27 00	From Reconnoissance of Tulare Valley by Lieut. G. H. Derby, U. S. Top. Engineer, April and May, 1850.
Santa Marguerita,	35 18 22	120 11 00	
Estrella,	35 36 00	120 13 00	
Moore's Creek,	35 46 43		
Gopher Creek,	35 40 30		
Cottonwood Creek,	35 26 41		
Kern River,	35 18 00		
N. point Buena Vista Lake,	35 08 23		
Tule River,	35 50 30	119 07 00	
Francis River,	36 15 00	119 14 00	
King's River, (Jones' Ferry,)	36 24 47	119 28 00	
Sajon de San Jose,		120 04 00	
W. point Tacke, or Tulare Lake,	36 48 00	119 49 18	
Fort Reading,	40 28 32		From reconnoissance by Lieut. R. S. Williamson, U. S. Topographical Engineer, 1852.
Scott's Valley, (Fort Jones,)	41 35 36		
Yreka,	41 45 50		
Natural Bridge,	41 59 40		
Willow Creek,	41 31 27		
Sonoma,	38 17 27		

IV.—Boundary Line between California and Mexico.

NAMES OF PLACES.	LATITUDE N.	LONGITUDE W.	REMARKS.
	° ′ ″	° ′ ″	
Initial Point, on the Pacific coast,	32 31 59.58	117 05 25.5	Furnished by A. B. Gray, Esq., late Surveyor to the U. S. Boundary Commission.
Junction of the Gila and Colorado,	32 43 51.58	114 33 04.1	

V.—United States Coast Survey.

NAMES OF PLACES.	LATITUDE N.	LONGITUDE W.	REMARKS.
	° ′ ″	° ′ ″	
Trinidad City,	41 06 00	125 05 00	Furnished by the Bureau at Washington.
Humboldt City,	40 44 45	124 10 15	
Fort Point, (Golden Gate,)	37 48 27	122 26 57	
Point Lobos, (Light,)	37 46 22	122 28 33	
Santa Cruz, (Landing,)	36 57 27	122 00 09	
Point Pinos, (Ass't Station Monterey Bay,)	36 38 00	121 54 00	
San Simeon Bay,	35 38 24	121 10 22	
San Luis Obispo Bay,	35 10 38	120 43 30	
Santa Barbara Channel,	34 24 27	119 40 15	
Prisoners' Harbor, (Island of Santa Cruz,)	34 01 10	119 40 00	
San Pedro Bay,	33 43 20	118 16 03	
Catalina Harbor,	33 26 23	118 28 50	
Point Conception,	34 26 56	120 25 33	
San Nicholas,	33 14 13	119 24 54	
San Clemente,		118 33 55	
Cuyler's Harbor, (Island of San Miguel,)		120 20 21	
San Diego,	32 41 58	117 13 22	
Point Loma,	32 40 13	117 12 22	

APPENDIX [B.]

RETURNS OF SCHOOL LAND WARRANTS.

Returned to this office under the Act to provide for the disposal of the five hundred thousand acres.

Up to 1st December there had been issued from the Comptroller's office, 160 warrants for 320 acres, and 372 warrants for 160 acres each, making 95,040 acres, of which there has been returned to this office, the following quantity from the respective counties, amounting in the total to 40,320 acres, returned up to the 1st of December.

Counties.	*Acres.*
Butte,	640
Calaveras,	1,280
Colusi,	320
Contra Costa,	1,280
El Dorado,	320
Klamath,	640
Los Angeles, (no returns.)	
Mariposa, (no returns.)	
Marin,	1,120
Mendocino,	6,400
Monterey, (no returns.)	
Napa,	1,280
Nevada,	640
Placer, (no returns.)	
San Diego, (no returns.)	
San Francisco,	2,560
San Joaquin,	1,280
San Luis Obispo, (no returns.)	
Santa Clara,	1,760
Santa Cruz,	2,720
Santa Barbara, (no returns.)	
Sacramento,	2,880
Shasta, (no returns.)	
Sierra, (no returns.)	
Siskiyou, (no returns.)	
Carried forward,	25,120

Brought forward, - - - -	25,120
Sonoma, - - - - -	1,930
Solano, - - - - - -	3,840
Sutter, (no returns.)	
Trinity, - - - - - -	3,360
Tuolumne, - - - - - -	1,280
Tulare, (no returns.)	
Yolo, - - - - - -	1,920
Yuba, - - - - - -	2,560
Mare Island, surveyed by Surveyor of Solano, -	320
Total, - - - -	40,320

APPENDIX [C.]

COUNTY SURVEYORS' AND COUNTY ASSESSORS'

ANNUAL REPORTS

TO THE SURVEYOR GENERAL, FOR THE YEAR 1852.

REPORT OF THE COUNTY SURVEYOR OF SANTA CLARA COUNTY.

San Jose, Dec. 15, 1852.

W. M. Eddy, Esq.,
Surveyor General:

Sir :—A complete and accurate report on the County of Santa Clara, exhibiting its extent, resources, topography, agricultural, mineral and commercial statistics, would make a good sized volume. For such a report I have neither the time nor the data. As the Census Agent of the county will probably report to the Executive concerning its population and general statistics, I shall limit my report to a few points more especially pertaining to the Topographical Department.

1. *Boundaries.* The San Francisquito Creek, from its source in the Santa Cruz mountains to the Bay, is one of the boundaries. Doubts have arisen as to which of the tributary streams at the head of this creek ought to bear the name of the main creek. The settlement of this question at an early date is important, as it regards taxation, topography, civil and criminal jurisdiction, and the right of suffrage.

A similar doubt arose in relation to the two forks of the Alameda creek, on the other side of the bay, which is also one of the boundaries. On a question of jurisdiction before one of our local courts, it was decided, upon testimony of old residents, that the eastern fork should be called Alameda creek.

Another doubt will probably be started at some future day in regard to the mountain lines on both sides of the county. It is probable that there is no very direct single line of summit ridge, but that many distinct

ranges lie in a form of arrangement known in military tactics as *echelon*, crossing very irregularly what was intended to be the boundary line. If the "divide" of the watercourses is intended to be the line, it will doubtless overlap itself in a very circuitous manner. Questions of jurisdiction over redwood timber lands will probably arise hereafter, in which these boundaries will be involved.

2. *Topography and Surveys.* Within the last eighteen months several important surveys have been made which will aid materially in determining accurately the topography of the country.

The railroad line from San Jose to San Francisco connects those two cities and the village of Santa Clara, besides determining the crossing of several streams. It has also furnished a convenient base line for triangulation to the mountain heights, and also for linking together several separate surveys of large ranches. The United States meridian line from Monte Diablo has been run forty-six miles till it struck the base of the Santa Cruz mountains. At the forty-fifth mile a series of zig zag surveys were made to avoid the mountains. These surveys pass south-easterly and south, through the whole extent of the county.

When these lines shall have been connected with the local surveys, and with the peaks of the Sierras, a very reliable skeleton of the topography of the county could be made.

Some of this work has been incidentally done; much more might have been done, if any appropriation had been made to compensate the county surveyor for that kind of labor.

3. *Length, Breadth and Area.* Until the topography of the county is more accurately laid down than it can be at present, all estimates of its area must be approximate only.

The axis of the valley, lengthwise, from near Union City to the tall peak near Murphy's, is about S. 34° E. (true course.) From Union City to San José, in a straight line, is about 20 miles. From San José to Gilroy's, is about 32 miles; and beyond that to the Pajaro, some 5 or 6 miles, making about 58 miles for the length of the county.

The breadth of the main valley at San José is about 15 miles. This breadth is applicable to about 12 miles in length from Alviso southeasterly.

The district between Alviso and San Francisquito creek, may be estimated at 6 miles wide by 8 miles long; and the San José Mission district, beyond Alviso northwesterly, at 5 miles wide by 10 long.

From a point four miles southeast of San José to the Pajaro, set down 34 miles long by 6 wide. These elements produce 482 square miles, as the area of the main valley within the county between the bases of the low hills, and not including the bay nor the salt marshes.

The part of the bay within the county may be set down at 40 or 50 square miles, and the salt marshes, at a low estimate, about 20 square miles.

The mountains occupy a belt of about 5 miles wide on each side of the main valley, equal to 550 square miles.

The whole area of the county may be counted at about 1,100 square miles.

4. *Arable Land, and Land under Cultivation.* Nearly the whole of the main valley is level arable land, generally of the finest quality, adapted to all the products of the temperate zone.

This amounts, as before shown, to 482 square miles. There are several small level tracts in the lateral valleys, which may be estimated at about 13 square miles, making 495 square miles, or 316,800 acres of *level* land.

But about one-half of the mountain lands, that of the low hills, and many of the high ones, would in any populous country be considered excellent arable land, capable of producing fine crops of grain. There are of these say 250 square miles, or 160,000 acres, which added to the other, make 476,800 acres, capable of producing food for man and beast.

Of this there is as much capable of irrigation in summer as will be desired for those peculiar kinds of cultivation to which it is adapted. No allowance is made in the above estimate for fresh water swamps, rivers, creeks and timber land.

By the return of the census agent, there appears to have been only 19,066 acres under cultivation the past year. This is less than one-sixteenth of the level valley land, and would furnish only 238 men with a farm of 80 acres each, or 476 men with a piece of 40 acres each. The quantity will probably be doubled in some districts, and in others tripled, during the coming summer. As soon as the land titles are settled an immense amount of land will be fenced and cultivated, which is now held for pasturage by the old rancheros.

The land cultivated lies principally in four districts. First, that of San Jose Mission and Union City. Second, that of San Jose in a circle of about five miles radius. Third, a similar circle around Santa Clara. Fourth, the Gilroy district, at the southeastern end of the county.

5. *Mines and Mineral Lands.* The celebrated quicksilver mine of New Almaden lies on the northern slope of the Santa Cruz mountains, twelve miles from San Jose, in a direction about S. 10° E. (true bearing.) It is in T. 9 South 1 E. of the principal meridian, near the common corner of sections 1, 2, 11 and 12. The opening is near the summit of a high spur of the mountain. In a direction N. 70° W. (magnetic,) from the Almaden mine extends a range for 5½ miles, in which several openings have been made into veins of cinnabar. Of these the San Antonio, the Santa Clara and the Guadalupe mines are the principal.

Operations have been suspended in all these mines except the New Almaden, caused mainly by questions of title.

It is believed from what has been developed at the Guadalupe and San Antonio mines, that the mineral is abundant and may be had by a proper application of sufficient capital. Indications of cinnabar have also been discovered southeast of the Almaden mines, along the same range of hills, near Murphy's, and there is a fair probability that the range of cinnabar veins also extends northwesterly from the Guadalupe mine for several miles, possibly as far as San Francisquito creek.

Two small openings were made in '49 and '50 in some low hills three miles southeast of San Jose. Small, isolated deposits of cinnabar were found, but not enough to justify further expense.

The Guadalupe mine is near the 46 mile stake, on the United States meridian.

Circumstances have thus far prevented my procuring authentic statistics of the operations of the New Almaden mine. Application has been

made for the information, and if received in time it will be forwarded before the 1st of January.

A stratum of lime stone extends along the northern slope of the Santa Cruz mountains, upon which there are established three extensive lime-kilns. Similar strata also exist in the north-eastern hills near San Jose mission and opposite San Jose.

Several isolated deposits of *coal*, of the *lignite* variety, have been discovered in the Santa Cruz mountains in this county. The specimens exhibited burn well. No capital has been expended in working them as far as I can learn.

About a mile south-east of the mission of San Jose, there are warm springs boiling up at the foot of the hills. The temperature of the water is delightful for bathing, and its taste and smell indicate the presence of sulphur.

There is a fine *soda spring* at New Almaden, the waters of which are delicious.

Salt has been manufactured from certain springs or ponds near Union City. Silver mines are said to exist somewhere in the county, but I do not know the locality, nor do I think any work is done upon them.

6. *Positions of Towns and Villages.*—San Jose Mission is on the principal United States meridian, at the 24 mile stake (from Monte Diablo.) Union City and New Haven, (adjoining,) are situated on the Alameda creek, at the border of the salt marsh, 9½ miles west of the 20 mile stake. This is the shipping port for the produce of the San Jose mission district.

Alviso, the shipping port for the main valley, is on the Gaudalupe river, at its junction with the salt marshes, 3½ miles west of the 31½ mile stake, on the United States meridian. The Mission church and village of Santa Clara are one and one-half miles west of the 36½ mile stake.

The central part of San Jose is one and one half miles east of the 37½ mile stake.

A small village (McCartysville) has been recently laid out at the toll gate in Campbell's Gap, 10 miles south-west of San Jose, on the new road to Santa Cruz.

The town of Gilroy is on the Monterey road, about 32 miles south-east of San Jose. Its position as regards the United States surveys I do not know.

The position of the Almaden and Gaudalupe mines are noted above.

7. *Lumber and Milling.*—An extensive growth of redwood occupies the slopes of the Santa Cruz mountains. Several mills are doing a good business, besides many persons occupied in getting out fencing and shingles. Nearly the whole valley is dependent on this range for fencing timber.

During the past year only one effective flour mill has been in operation, very much to the disappointment of our farmers who raised wheat. There are several now in progress of erection, and next year there will be in operation twelve run of stones near Union City, and eight near San Jose and Santa Clara. A large steam mill with two run of stones has just commenced running in Santa Clara; also another small mill by water at San Jose, and another by horse power.

For further statistics of this county, I refer you to the report of John Yontz, Esq., the census agent for the county.

A small map is in course of preparation, which will be transmitted to aid in constructing the general map of the State.

Very respectfully,
Your obedient servant,

[Signed.] W. J. LEWIS,
County Surveyor.

Per SHERMAN DAY,
Deputy.

P. S. Permit me to call your attention to the fact, that while the law makes provision for an office in the county building for the other county officers, none is provided for the County Surveyor. Yet the record book and files of papers which he is bound to keep are of great value, and yearly becoming more so.

They ought by all means to be preserved safe from fire, and be of easy access to the people; and a proper place should be provided for the display of such maps and plans as are used for constant reference.

REPORT OF THE COUNTY SURVEYOR OF SISKIYOU COUNTY.

Yreka City, Siskiyou County,
September 10th, 1852.

Hon. W. M. Eddy,
Surveyor General:

Sir:—Accompanying this I transmit to you a rough skeleton of a map of the eastern part of this county. I have spent some weeks in exploring that heretofore almost unknown section of this State, and am satisfied that I have marked down the general features of the country, and the principal land marks very near correctly.

The apology I have for the roughness of my map, is the haste I have used in preparing it and this in time for the departure of the express, and my intention of forwarding to your office by the first of December next, a more complete map of the whole county, and also of all that tract of country lying between this county and the ocean, with a part of the adjoining territory of Oregon. This last I expect to obtain from a talented and scientific friend, who is now prospecting and exploring that country, and mapping and noting the principal features as he goes over it. I expect him to return to this place by the first of November next, and hope then to be able to present to you a full description of all the northern part of the State.

It is somewhat more than what properly belongs to me to do, but I presume that whatever new and useful information I may give, will not be thrown aside on that account.

Of the country over which I have been lately travelling, I will try to give such a description as I can.

From the Shasta range of mountains (i. e., those running N. N. W. from Shasta Butte) to the Sierra Nevada, is a large basin bounded on the south by a mountainous and very rough range extending from Shasta Butte southeasterly to the Sierra Nevada.

This range is not in all its length a distinct range of mountains. Volcanic eruptions have scattered and broken the county into a roughness which I presume is not equalled in any other part of the State. Pitt river, the main branch of the Sacramento, breaks through this county, and also McLeod's Fork (of Pitt river) passing through cañons so deep, narrow and rocky, as to be utterly impassable to man.

The north side of the basin is formed by the extension of the Umpqua and Rogue River mountains. In this basin are four large lakes, none of which, except Klamath lake, have an outlet.

Klamath lake, the source of Klamath river, is from 25 to 30 miles long, and 18 to 20 wide. Its waters are of a yellow muddy color, and very strongly alkaline. Near its southwest corner, I found some fine specimens of chalk, and have reason to think it is abundant in this part of the county. There is no arable land around this lake.

East from Klamath is Tulare or Indian lake. Around this are some valleys of agricultural land. The water of this lake is slighty alkaline.

Lost river, which heads in some smaller lakes to the northeast, running west, then southward, and passing for some distance within a mile of Klamath lake, empties into Tulare lake.

This is a very deep, narrow stream. The "natural bridge" on this river is a dam formed by a ledge of rocks about 30 yards wide, across the stream. Over this natural dam the river pours in a current about 8 to 12 inches deep, while above and below, the water is generally from 6 to 10 feet deep.

Tulare lake is about 50 miles long, and from 10 to 15 wide. Across a low range of barren hills to the eastward and northward of this lake, lies Little lake, a smaller sheet of beautiful clear good water. It is nearly circular in shape, and ten miles across.

There is but little timber in the neighborhood of these lakes—the hills and mountains around only being sparsely covered with a scrub growth of cedar.

Eastward and southward of these lakes, the country is very rough and broken. I crossed several small cañons (usually from 10 to 60 yards wide, and 5 to 10 yards deep) which seemed to have been once the beds of considerable streams. The bottoms of these were usually covered with a rank growth of grass and willows.

Goose lake is a handsome sheet of water, lying directly at the western base of the Sierra Nevada mountains. It is 40 miles long, and 6 to 12 miles wide. The hills to the west of the lake are covered with excellent pine and fir timber. There are no streams other than small mountain torrents emptying into this lake.

Pitt river rises about 12 miles to the south of Goose lake, and runs in a southwest course—McLeod's Fork (of Pitt river) rises south of Tulare, and its general course is southerly.

Along these streams there is but little arable land; indeed, for the greater part of their course, they run through deep cañons.

There is an abundance of game of all kinds throughout all this country, and the lakes (except Klamath) abound in water-fowls of various kinds.

The Indians are very numerous, and are a bold, hostile set of thieves. Some of the little party I was with were killed by them, and others severely wounded.

I extended my excursions a few days beyond the Sierra Nevada mountains in examining the cañons, "Mud Lake," and boiling springs of that strange country. Some account of my observations I may some day transmit to you, but would prefer first to visit that country again, and be able to examine its curiosities more at leisure.

In the instructions you sent to me I find such an abundance of work to do that I think I shall never accomplish half of it, and it is very certain

to my mind that I will not if I have to do it all without any remuneration. I have seen no Act making provision for the payment of County Surveyors for all the duty imposed upon them. I am but little inclined to do all this work merely for the sake of having my report "duly noticed" in your annual reports, for my experience teaches me that serving in any office merely for the honor of the office, brings poor comfort in the long run.

Respectfully, &c.,

JAMES T. LOWRY,
Surveyor Siskiyou Co.

[COPY.]

YREKA CITY, Siskiyou Co,., November 25, 1852.

Hon. W. M. EDDY,
Surveyor General—

SIR :—Having just returned from a trip of six weeks into the mountains in the western part of this county, and also in the northern part of Klamath county, I found your letter of October 23, and hasten to reply to it. Accompanying this I send you a hasty *but correct* sketch of the country between this place and the coast.

My excursion was to find a pack trail to a harbor, (and to examine the said harbor,) which is situated near Point St. George, and about due west from this place. At present it is sufficient to say, that we were completely successful, in finding a good trail and a good harbor.

You request in your letter such information as I can give in regard to the new emigrant road opened this year from the Humboldt to this place. I was over this route once this year, and will give you the distance and description as I have them on my journal of the trip.

From the Humboldt to Black Rock springs, 60 miles W. N. W., country very level; no timber; water in two places. The road then bears N. N. W. 24 miles over very level country, gradually ascending; then over a low rocky ridge, S. W. 7 miles to the mouth of Big Rock cañon.—Through the canon W. 10 miles is a valley about 100 yards wide, level and good travelling; then 4 miles over gently rolling country to Little Rocky cañon; through this 2 miles, a rocky wagon road but level; thence W. N. W. 20 miles, to a mud lake 3 miles long, half mile wide, over rolling but not hilly country; thence west over rolling country, sometimes rocky, but usually a good natural wagon road, 12 miles to a hot spring. These springs are between two salt or mud lakes, and directly at the eastern base of the Sierra Nevada mountains.

From Humboldt to the Sierra Nevada there is no timber, but an abundance of good grass and water. The two lakes are about 5 or 6 miles apart and are very shallow, so that late in the summer the greater part of each is dry.

From the hot springs the road is north 15 miles, level road, fine grass

and clover; then over the main ridge of the Sierra Nevada, one mile; thence to Goose Lake valley, nine miles; descent very gradual except the last 300 yards, which is quite steep.

I have never crossed the Sierra Nevada mountains at any other place than this, but I have been told by several persons who have been over the different "crossings," that this is the lowest and easiest crossing now in use. I rode my mule over and was 42 minutes in going from base to base of the main ridge, which is the only part which resembles a mountain.

Around the south end of Goose lake the road is over a level, grassy valley, 25 miles; leaving the lake nearly directly west of where we struck, it passed up a gradual descent one mile, through heavy pine and fir timber, then 5 miles of rolling timber country to a small cañon, average depth about 25 feet, and sixty to 100 yards wide. Down this the road followed 11 miles, then across a flat 2 miles. This flat is surrounded by a perpendicular rocky wall, similar to the sides of the cañon, and appears to have been once full of water—along another cañon 2 miles, then over a flat, very rocky country 14 miles. This is the extreme northern point of the road, and is W. N. W. from the point of leaving Goose lake.

There is abundance of good water and grass along this part of the road, and the low hills are scantily covered with tolerable timber.

From this the road bears S. W. 6 miles, over rolling rocky country, then 6 miles over a grassy flat to Little lake; around this 3 miles, road good and level; thence over a rocky ridge 6 miles, ascent and descent very easy to Tulare lake valley, then up this valley W. N. W. to the natural bridge, 15 miles, level road; then S. S. W. 7 miles across a low ridge into Klamath lake valley. Around this lake the road is for the most part level, passing over two small spurs from the hills.

From Klamath lake, road good and level 10 miles, then ascend a low hill to the upland level, thence 18 miles to Butte creek, the last 8 miles through heavy timber, level road; up Butte creek the road good and level 6 miles, passing then through a low gap in mountains to Shasta valley 15 miles.

In constructing a railroad the Sierra Nevada might be avoided by crossing to the northward of Goose lake, and then passing to the south-west and leaving Little and Tulare lakes to the right, a route could be had tolerably clear of mountains, but very rocky and rough.

December 3d. Since writing the above none of our expresses have been able to arrive or depart on account of the continual storm. This is one of the most serious disadvantages we labor under. We are at times cut off entirely from all communication with the rest of the State.

My sketch of the western part of this county is very rough, but still I feel confident that the position of the various streams, &c., are correctly laid down.

With respect, yours,

[Signed] JAMES T. LOWRY,
County Surveyor Siskiyou Co.

REPORT OF THE COUNTY SURVEYOR OF YUBA COUNTY.

MARYSVILLE, Yuba County,
November 27, 1852.

W. M. EDDY, Esq.,

Sir:—In compliance with the requisitions embraced in the 9th section of your circular of June 1st, I here send you the followiug estimates:

An estimate of the aggregate quantity of land in Yuba county.

	Acres.
Plain and bottom lands situated west of the foot hills, -	153,600
Mountain and uplands extending east from the base of the foot hills, - - - - - - -	399,360
Total area of Yuba county, 864 square miles, equal to	552,960

Recapitulation.

Primary bottom lands situated on Bear, Yuba and Feather rivers, and on Dry and Honcut creeks, - - -	26,640
Secondary bottom lands bordering on the above, susceptible of cultivation without irrigation, - - -	50,000
Arid plains situated west of the foot hills, suitable for grazing, only susceptible for cultivation by irrigation, - -	76,960
Valley and arable lands situated on the west slope of the Sierra Nevada, - - - - - -	76,000
Mineral lands unsusceptible of cultivation, comprising the eastern portion of the county, heavily timbered, -	322,560
	552,960

Estimate acres of land susceptible of cultivation, - -	230,400
Acres of land in actual cultivation, - - - -	7,000

Estimate of the aggregale numb ɔer of horses, cattle, &c., &c., in the county.

Horses,	1,607
Mules,	1,749
Beef Cattle,	2,470
Work Oxen,	1,010
Cows,	1,012
Hogs,	2,000
Fowls,	8,000

Estimate of the aggregate quantity of the agricultural products of this county for the preceding year.

Corn, (bushels,)	810
Potatoes,	8,480
Wheat,	6,345
Oats,	14,377
Barley,	128,376
Onions,	28,000
Tons of Hay,	4,010

Estimated value of gold produced from placer, river and quartz mining during the preceding year in Yuba county, ... $16,000,000 00

This estimate of the mineral production is made upon the basis of the portion of the population that are engaged in mining, estimating the average day's labor at $4.

Capital invested in quartz mining in Yuba county,			$121,400
Do	Placer mining,	do	710,000
Do	River mining,	do	1,687,150
Do	Merchandise and trading,		1,939,600
Do	Lumbering,		81,000
		Total,	$4,539,150

The above estimate, and those of the agricultural products and live stock, are made by Mr. Ackley, census agent for this county, with which he kindly furnished me.

I herewith send you a list of the names of different localities along the streams in the mining districts, with their distances apart by the river.

I am informed by Mr. Ackley and Mr. Tompkins, (assessor,) that the *two Dry creeks* emptying into Bear and Feather rivers are separate and distinct streams; the one emptying into Feather river rises about *one mile south of Watson's survey*, the other as represented on the sketch that I sent you, emptying into Bear river about five miles above its confluence with Feather river, and about seven miles below Johnson's ranch.

When I located the warrants for Mr. Watson, he informed me that they were the same streams as represented on the plat of his survey.

I have made no other surveys of importance since I sent you my returns, which by-the-by I directed to Vallejo some two months ago, also the sketch of the country. Mr. Eddy of this place, thinks that you had not received them when he was down last. I directed, as solicited in your circular of June 1st, to Vallejo, and am extremely sorry if you have not received them. I am in much doubt whether to direct this to San Francisco or Vallejo. However, I shall see Mr. Eddy, as he informed me that he should write by December 1st.

Respectfully, Yours, &c.,

[Signed.] D. B. SCOTT,

County Surveyor.

REPORT OF THE COUNTY SURVEYOR OF SHASTA COUNTY.

Extracts from letters of George Vosburgh, County Surveyor Shasta County, dated November 10th, 1852.

The number of square acres of arable land in this county may be designated as follows:

On the Sacramento river, - - -	72,968
Cow creek and its tributaries, - -	64,000
Cottonwood creek, - - - -	30,000
Total square acres,	166,968

The remainder, as far as I have any knowledge of this county, may all be classed under the head of mineral lands.

The number of bushels of grain in this county it is impossible to guess at, and I have no other means of arriving at any stated figure.

Respectfully,
GEORGE VOSBURGH,
County Surveyor,
Shasta County, Cala.

REPORT OF THE COUNTY SURVEYOR OF TRINITY COUNTY.

[COPY.]

WEAVERVILLE, Trinity County, December 7, 1852.

SIR:—

In compliance with your circular of June 1st, enclosed in one of 1st October, I lay before you the report for this county.

Section 9—1st and 2d. Vide enclosed duplicate plats and abridged field notes marked A and B.

3d. I estimate the aggregate quantity of land belonging to this State at 30 square miles, consisting of about 27 square miles of salt marsh on the margins of Humboldt Bay and its tributary streams and sloughs, which is an alluvial deposit and seems to be gradually increasing its height above the level of the bay, and eventually may become capable of cultivation, and about 3 square miles of sandspit at the entrance of that bay, subject to occasional overflow.

4th. I estimate the aggregate quantity of lands under cultivation at 350 acres. I estimate about one half of the lands in the county to be suitable for tillage and grazing. That portion adapted to tillage lies on the margin of Humboldt bay and the streams throughout the county, and on low and flat ridges that can be irrigated. The mountain sides in many places afford good grazing.

I will here give an extract from Deputy at Humboldt. He says—"I am unable to give an estimate of the aggregate quantity of land adapted to tillage and grazing in this portion of the county. Its locality is from lake Mendocino on the south to the mouth of Mad river on the north. I am unable to say how far it extends inland. The land within 12 miles of the coast seems to be about one half covered with timber of a very great size and of a useful description. Of the remaining half three-fourths is arable. The remaining fourth adapted to grazing."

Beyond 12 miles, the nature of country is changed; it consists of high flat ridges, covered with grass of an excellent description for two-thirds of its extent, and about one-third wood, principally in ravines.

5th. I estimate the number of horses at 150, mules 300, cattle 300, sheep 100, swine 250; in addition to which are a number of mules engaged in the transportation of goods to this place, and from Humboldt bay to the mines in this county and Klamath, which I estimate at 600.

6th. I estimate the quantity of wheat at 100 bushels, potatoes 375 tons, oats cut for hay 40 tons, other hay 150 tons, barley 1000 bushels, cabbage 15 tons, beets 4 tons, pumpkins 15 tons.

7th. I estimate the aggregate quantity of mineral lands at 1,600 square miles, having produced in the last year (according to the best information I can get) about one and a half millions of dollars.

The gold is found in the beds of streams and in bars on the same, in gulches or ravines and on the hills.

Section 11—Having been over but a small portion of this county, I cannot give any sketch that could be depended on for accuracy.

The latitude of this place is about 40° 44′ north.

Having reported what is required by your circular of June 1st, as far as I am informed, I trust you will consider it complied with.

Respectfully

(Signed) HENRY HART,

County Surveyor, Trinity Co.

REPORT OF THE COUNTY SURVEYOR OF MARIN COUNTY.

[COPY.]

SAN RAFAEL, Marin County, }
November 23d, 1852. }

SIR:—

I have received your circular in relation to my duty as County Surveyor. I have been in office but a few days. I have located two school warrants in this county, as you will see by reference to the certificates and plats herewith sent. There are four or five other school warrants about to be located in this county.

Nearly all the land in this county is covered by Mexican grants, and there is but a small quantity of United States land in this county.

There is a considerable quantity of marsh land which frequently overflows on the margin of the creeks and bays. These lands are supposed to belong to the State.

This county is generally broken and hilly. The highest mountain in it is called Table Butte by all the old inhabitants and records; but on some Mexican maps it is called Table Hill. Its elevation is 2,590 feet. The accompanying map shows the names of the creeks, bays, lakes, &c.

There are many men having warrants who want them located as No. 51 is located. They suppose if the lines run north, south, east and west, is all that is required by law, if it should be a parallelogram.

You will please inform me, as I have never done any of this kind of work, I do not know.

Respectfully, yours,

(Signed,) ALFRED D. EASKOOT,

County Surveyor.

To W. M. EDDY,
Surveyor General.

REPORT OF THE COUNTY SURVEYOR OF CONTRA COSTA COUNTY

MARTINEZ, Nov. [illegible], [illegible].

SIR:—

I have endeavored to gather information in relation to the different portions of the county, but find that any plan that I could make would be very incorrect and made entirely from information.

In reference to the aggregate quantity of tillable land in this county is near [illegible] acres; grazing land [illegible] acres; Government land [illegible] acres.

Number of Cattle,		[illegible]
do	Horses,	[illegible]
do	Swine,	[illegible]
do	Sheep,	[illegible]

In relation to the Grain and Vegetables grown this year, there was about—

Bushels of Barley,		[illegible]
do	Oats,	[illegible]
do	Wheat,	[illegible]
do	Potatoes,	[illegible]

All of which is respectfully submitted.

WARREN BROWN,
County Surveyor,
Contra Costa County.

REPORT OF THE COUNTY SURVEYOR OF SANTA BARBARA COUNTY.

SANTA BARBARA, Nov. 19, 1852.

Sir:—Only a short time here, I was on November 2d, elected County Surveyor of this place, and this day sworn in. Received your letters, one dated Oct. 1st, from the post office, the other June 1st, from the Court of Sessions, which, in the absence of any surveyor, was opened by the said court.

I hasten to reply that no school land warrants are, up to this date, located in Santa Barbara county; and whenever such location shall be made, I will immediately send a copy of the plans, notes, &c., according to law and your instructions, to the Surveyor General of the State.

A sketch of this county I will, as soon as in my power, based on the best authorities, finish. Except very small surveys, I have not made such, nor gone over six miles out of this town.

Respectfully, yours,
VITUS WACKENREUDER,
County Surveyor.

REPORT OF THE COUNTY SURVEYOR OF SANTA CRUZ COUNTY.

SANTA CRUZ, November 20, 1852.

Sir:—In answer to your circular letter of 1st June last, I would offer the following report and estimates.

2d. From the limited and disconnected surveys which have been made, I cannot furnish you with a sketch of this county sufficiently accurate to be of any service in the construction of the map of the State, nor do I consider it practicable without a survey of the county lines.

3d. I should suppose this county to contain about 400,000 acres of land. Of this amount about 10,000 acres of rich bottom land, and about 40,000 acres of good upland, well suited for grain growing, and also for growing potatoes; the remainder is mountainous, and is only valuable for its timber and for grazing purposes. All the tillable land lies within 15 miles of the coast—most of it is immediately on the coast.

5th. I would estimate the number of—

Horses,	1,000
Cattle,	1,200
Sheep,	300
Swine,	1,000

The number of cattle is fast decreasing.

6th. I have no data from which I can gather an accurate estimate of our agricultural products for this year, but estimate—

Bushels of Wheat,	2,000
Do Potatoes,	100,000
Do Barley,	100,000

Potatoes and Barley constitute the principal crop of the year.

6th. The mineral resources of the county are but little known. Gold

is found in the mountains, but not in sufficient quantity to justify the working.

Building stone is abundant. Lime stone of good quality is found in most parts of the county, and easy of access.

The timber is valuable from its great abundance, and the facility of getting it to market.

Water privileges are good and abundant, though as yet we have but few mills—no flouring of any value.

Very respectfully,

[Signed.] S. W. WRIGHT,
County Surveyor,
Santa Cruz County.

REPORT OF THE COUNTY ASSESSOR OF BUTTE COUNTY.

HAMILTON, Nov. 20, 1852.

W. M. EDDY, Esq.,

Sir :—The total amount of stock and agricultural productions raised in the county are as follows:

Horses,		1,560
Mules,		736
Cows,		441
Beef cattle,		4,536
Work oxen,		898
Barley, (bushels,)		52,940
Oats,		315
Wheat,		3,355
Potatoes,		3,000
Number of acres of land under cultivation,		2,144
Number of Hogs,		614
Do Sheep,		498
Do Chickens		990

Very respectfully,

[Signed.] JOHN TATHAM,
Assessor Butte Co.

REPORT OF THE COUNTY ASSESSOR OF SIERRA COUNTY.

Downieville, October 29, 1852.

Hon. W. M. Eddy,

Sir :—One difficulty exists that will necessarily prevent me from giving in this report anything like a correct estimate of the quantity of lands adapted to tillage and grazing in this county. I allude to the undefined condition of the boundary line on the east, and also the boundary between this county and Nevada. There are large valleys east of this, some 30 or 40 miles, which are supposed not to be in this county. If they were it would necessarily make a material difference in my report of the quantity of agricultural and grazing lands in the county. I shall leave them out for the present.

There is about one hundred and fifty acres of land under cultivation in the county, much the largest portion of which has been cultivated the present year for the first time. Near one-third of which is in the valleys or flats on the rivers and about the same quantity on the ridges so situated in some places as to be conveniently irrigated, and a small portion on the sides of mountains irrigated by springs above.

There is, I suppose, about fifteen thousand acres in the county adapted to tillage and grazing. There is about 300 horses and mules, 70 cattle, — sheep, 150 swine in the county.

There is no wheat, rye, maize or grapes raised here, and the quantity of potatoes raised the preceding year was small, not to exceed one thousand bushels. I know of no disease which has interfered with the crops. The only difficulty in most places is want of water to irrigate.

With regard to the quantity of mineral lands—I consider the whole county as mineral land. I know of no other mineral to be found in the county except gold, and from the best information I have been able to procure there was taken out during the preceding year about three millions of dollars. The gold is taken out of the beds and banks of all the rivers and creeks in the county, and in many places on the sides of mountains. Drifts or tunnels have been run in, and as a general thing have paid a fair remuneration for the labor, and in many instances much more.

At Minnesota and Chips' Diggings on the ridge between Kanaka creek and the Middle Yuba, Eureka on the ridge near the head of Goodyear's

creek, Creig's on the ridge near Cañon Creek, Sear's and Portwine on the ridge between Cañon and Slate creeks, Gibson's and Spanish Flat on the ridge north of Slate creek, there are extensive "dry diggings," as they are called, in consequence of there being little or no water to wash with, except during the winter and spring.

These diggings are all rich, some of them very extensive, particularly at Minnesota and Sears'. At most of these places there are companies at work cutting ditches and making preparations to bring in water.

Should there be a sufficient quantity of water brought to the places above named, there are diggings amply sufficient to give employment to one hundred thousand men for years, as the earth from the surface to the bed rock generally will pay well for sluicing.

There is constantly new diggings being discovered in the mountains, and it is my opinion that as yet they have been but partially prospected.

Respectfully,

(Signed,) EDGAR FRAZER,
Assessor Sierra Co.

REPORT OF THE COUNTY ASSESSOR OF SOLANO COUNTY.

BENICIA, Solano County,
November 5, 1852.

W. M. EDDY, ESQ.,
Surveyor General:

SIR:—In conformity with an Act passed by the Legislature of the State of California, April 7th, 1850, defining the duties of the Surveyor General, and also the duties of the County Assessor, I herewith transmit to you my report, containing such information as is required of me in pursuance of your letter of instructions of June last, and also as are required in sections 4, 5, 6 and 7, of the Act itself.

Land.—The quantity of land under cultivation, as appears from the census report, is 5,949 acres. This is situated chiefly in the valleys of Suscol, Sulphur Spring, Green, Suisun, Ulattis, Vacca, and Puta; and there probably remains independent of this, perhaps thirty leagues of land suitable to agricultural purposes, lying mostly in the latter three named valleys.

Stock.—The quantity of horses, cattle, &c., of the county I here append below, giving as correct an account as is possible, although probably some emigrants may have located in the county since these were enumerated, who may have swelled the number somewhat.

Horses,	1,957
Mules,	187
Milch Cows,	2,185
Beef Cattle,	1,085
Hogs,	2,264
Sheep,	2,000
Oxen,	1,149

Produce.—The quantity of produce raised in the county, as stated below, is as near an approximation to it as was possible to be taken, and has been prepared with considerable care.

Bushels of Barley,	105,630
do Oats,	13,870
do Corn,	3,555

Bushels of	Wheat,	8,395
do	Rye,	100
do	Potatoes,	25,905

Fruit.—As yet but little fruit has been cultivated and raised in this county, but another year will add considerable importance to this branch, and we shall be able to compare notes with a number of our sister counties. The report will show some 6,000 grape vines which have been planted two years, and some of which have borne fruit this year. We may therefore look with certainty to a large supply the coming season. The number of fruit trees (consisting chiefly of apple, pear and peach) is estimated at 2,000; these are mostly of two years' growth, although some few have borne fruit for two years—these lie chiefly on the Puta.

The valleys of Suscol, Sulphur Spring, and the lower part of Green, are not so well adapted to the cultivation of fruit, as the other four previously mentioned, from the fact that they are subjected to the strong northwest winds which prevail in the spring of the year. The temperature of the other four, as well as the upper part of Green valley, is such that there can be no trouble in raising fruit of all kinds.

The quantity of hay cut and prepared in this county, is estimated at 2,200 tons; this chiefly from the wild oats and red clover, which are of luxuriant growth, and are abundant in all of our valleys.

Respectfully,

(Signed,) SINGLETON VAUGHN,
County Assessor.

REPORT OF THE COUNTY ASSESSOR OF SAN LUIS OBISPO COUNTY.

[COPY.]

SAN LUIS OBISPO, Sept. 20, 1852.

HON. W. M. EDDY,
Surveyor General:

SIR:—In compliance with your request by circular of June 1st, I report upon all matter referred to in the statute, so far as they come within my knowledge.

The exact limits and boundaries of this county are poorly defined, in consequence of no survey having been made. Owing to the changes made by every Legislature in the southeastern boundary, it is constantly in dispute.

I would respectfully recommend an immediate survey of the same, as the only means of avoiding the difficulties that are constantly recurring between this and Santa Barbara county.

I would also respectfully call your attention to the condition of certain fords on the main coast road, intersecting this county from the northwest to southeast extremities, this being in the winter one of the worst sections of the whole length of the said road. The Nascimiento river, where the road enters this county, is in the rainy season impassable. The mail for the lower counties has been repeatedly detained at this point for several days.

What is called the lower crossing, being the old pass of the *camino real*, may be made practicable by bridging at slight expense.

The upper crossing, that now most used, owing to the width of the bed of the river, and the immense tract of land overflowed by high water, cannot be converted into a good winter pass.

The next difficulty in the said road worthy of your attention, is Arroya Grande; very slight rains effectually preventing all passage, except at the mouth of the river, thereby lengthening by ten miles, the road from San Luis Obispo to the point of intersection with the direct road. Even this is only passable at low tide.

Formerly the main road crossed this stream at a point about 5 miles from its mouth, at which place it was made passable during the summer season

by the exertions of the citizens of that township; but by shifting of the bed of the river by high water the last winter, the road was destroyed.

This is the only point at which a bridge can be constructed, except such places as are made otherwise impracticable by high hills, impassable for wheeled vehicles.

A good and sufficient pass may be made by renewing the trenches that confined the many branches of the stream to one channel only, and by one bridge, making a valley passable that at present is cut up by several streams, which at high water effectually cut off all communication from one side to the other.

I call your attention to these seemingly trifling difficulties, as their amendment is an operation too extensive for this county to undertake, and effecting as it does, the interest of all.

The area of the county being unknown, I can give no information as to the quantity of State land. The number of square leagues held under Mexican titles, is one-hundred and twelve, a very small proportion of which, about the one hundredth part, is under cultivation; the remainder being mostly grazing land, at least three-fourths of which is unfit for other purposes.

Timber, except in the immediate vicinity of the Mission San Luis Obispo, is plenty—in the hills, pine and oak of excellent quality, and in the valleys, cottonwood, sycamore, alanur, eye, (a small tree remarkable for its durability; it has been been known to last as fencing for nearly thirty years,) and willow.

The soil in all the valleys cannot be exceeded in richness and fertility, producing all the hardy esculents and grains, without irrigation, in abundance.

Of the exact amount of produce for this year, but little reliable information can be obtained.

Respectfully,

(Signed,) F. L. BRANCH,
Assessor, San Luis Obispo Co.

REPORT OF THE COUNTY ASSESSOR OF NAPA COUNTY.

[COPY.]

NAPA COUNTY,
Napa, Nov. 3, 1852.

Hon. W. M. EDDY,

Sir:—The quantity of land in this county which belongs to the State is small, as all or nearly all tillable lands are Spanish grants. Probably one-eighth of this county is adapted to tillage, and one-half of said county good grazing land. In said county there are—

Horses,	2,000
Cattle,	6,249
Hogs,	1,905
Sheep,	932

Some five thousand acres barley crop,	150,000 bushels.
Wheat, fifteen hundred acres,	30,000 "
Potatoes,	2,000 "
Grapes,	12 tons.
Onions,	75 "

The probability is, the proceeds of this county the coming year will double the present one.

Respectfully,
J. C. PENNELL,
Assessor Napa Co.

REPORT OF THE COUNTY ASSESSOR OF CONTRA COSTA COUNTY.

MARTINEZ, Nov. 26, 1852.

Sir:—I submit the following report:

The estimate of the aggregate quantity of tillable land in this county is 132,500 acres. Grazing land, 53,000 acres. The amount of Government land is probably 4,000 acres.

Cattle,	56,537
Horses,	1,500
Sheep,	3,000

There was raised in this county this year of—

Barley, (bushels,)	288,180
Wheat,	85,000
Potatoes,	85,190
Oats,	24,085

The above is a correct account of the real and personal property aforesaid.

Respectfully,

[Signed,] S. HASTINGS,
Assessor Contra Costa Co.

[Document No. 4.]

IN THE SENATE.] SESSION OF 1853.]

REPORT

OF THE

QUARTER-MASTER GENERAL.

GEORGE KERR, STATE PRINTER.

REPORT

OF THE

QUARTER-MASTER GENERAL.

OFFICE QUARTER-MASTER GENERAL,
Vallejo, December 15, 1852.

To His Excellency
The Governor of California:

SIR—

In compliance with the ninth section of "An Act concerning the organization of the Militia," I have the honor to submit the following

REPORT.

Number of Arms, Equipments, &c. turned over by my predecessor in office.

Percussion muskets and equipments,	180
Flint do do	95
Percussion rifles do	146
Colt's pistols,	54

Issued by me during my term of office by order of the Governor.

To "Marion Rifles," San Francisco,
80 Percussion rifles,
80 Cartridge boxes,
80 Accoutrements.

To "Sutter Rifles," Sacramento City,
66 Percussion rifles,
66 Cartridge boxes,
66 Accoutrements.

To "Calaveras Guards," Mokelumne Hill,
40 Percussion muskets,
40 Cartridge boxes,
40 Accoutrements.

To "Sutter Guards," Sacramento City,
60 Percussion muskets,
60 Cartridge boxes,
60 Accoutrements.

To "Governor's Guards," Sacramento City, by the Governor,
60 Percussion muskets,
60 Cartridge boxes,
60 Accoutrements.

To "Emigrant Relief Expedition,"
25 Colt's pistols,
These were burnt in Sacramento on the night of the 2d of Nov. last.

To Gen. Estill, for use of keepers of State Prisoners,
12 Colt's pistols.

The Arms, Equipments, &c., are now in good condition.

Up to this date there has been expended for cleaning and repairing Arms,	$532 50
For transportation,	90 00

I would most respectfully and urgently suggest the propriety and necessity of making some further and better provision for the safe keeping of the State Arms. The building erected by Capt. B. F. Harley for the use of the State as an Arsenal, is totally unfitted for such use and purpose, both from its location and construction.

On entering upon the discharge of my duties in May last, I addressed a communication to the County Assessor of each county, directing his attention to the fourteenth section of the law organizing the militia of this State, which requires him to make out a separate and distinct list of all persons subject to military duty in his county, and transmit a copy of the same to the Adjutant-Genl of his District; but up to this time I have received returns from but two counties in the State, and consequently, my annual return of the militia of the State cannot be made to the Depart-

ment at Washington until a late day. This delay, however, will be obviated in future.

By a law of Congress, each State draws an amount of arms from the General Government proportionate to the strength of her militia force, but as no return has been made for California for the two past years the State has not received her quota of arms. The return for 1852, which I shall transmit at the earliest possible day, will entitle the State of California to the amount of about 1,300 muskets.

Very respectfully,
Your obd't serv't,

WILLIAM C. KIBBE,
Quarter-Master General.

[Document No 5.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM

GEN. E. A. HITCHCOCK.

[GEORGE KERR, STATE PRINTER.

HEAD-QUARTERS, PACIFIC DIVISION,
San Francisco, Dec. 22, 1852.

HIS EXCELLENCY JOHN BIGLER,
Governor of California:

SIR:—Anticipating that at the approach of the session of the Legislature you would be glad to know the number and distribution of the United States Troops in this city, I herewith enclose a statement taken from the latest returns in my possession.

I have received information that a route has been discovered from Port Orford to the Oregon Trail, but it came too late to enable me to establish the Post near the Rogue River, on the Oregon Trail, between which and the Post above Reading's, I still contemplate keeping a moveable force.

I am happy to say, that the hostilities with the Yumas, on the Gila River, terminated some months since by Major Heintzelman, appear to be entirely at an end, and that frontier remains quiet.

On the upper waters of the San Joaquin, where a serious threatening of outbreak among the Indians was averted some months ago by a seasonable display of military force, quiet now prevails.

I am, Sir, very respectfully,
Your obedient servant,
E. A. HITCHCOCK,
Col. 2d Reg., B. B. Gen.,
Com'g P. D.

STATEMENT OF TROOPS IN CALIFORNIA, FROM THE LATEST RETURNS FROM THE POST

Posts.	Commanding Officers.	Regiment.	Number of Companies.	Number of Officers.	Number of men.	Remarks.
Scott's Valley, - -	Brevet Maj. Fitzgerald,	1st Drugoons,	2	4	111	Comprising the Northern District of California, under the command of Bvt. Col. Geo. Wright.
Fort Reading, - -	Brevet Col. Wright,	2d and 4th Infantry,	2	6	85	
Benicia Barracks, - -	Lieut. Col. Seawell,	2d and 4th Infantry,	5	14	203	
Presidio, San Francisco, -	Brevet Capt. Lendron,	3d Artillery,	1	3	24	
Fort Miller, - - -	Brevet Maj. Patten,	2d Infantry,	2	6	76	On the San Joaquin River, near King's River. Detachment at Woodville, Four Creeks.
Jurupa, - - - -	Capt. C. S. Lovell,	2d Infantry,	1	3	47	In the vicinity of Cajon Pass, and near Mormon settlement.
Mission San Diego, -	Brevet Col. Magruder,	1st and 3d Artillery,	2	7	94	Detachment at San Luis Rey, and Vallecitas not included.
Fort Yuma, - - -	Brevet Maj. Heintzelman,	2d Infantry,	3	9	160	One detachment at Vallecitas not included ; one at the mouth of Gila River. Comprising the Southern District of California, under the command of Brevet Maj. Heintzelman.

E. A. HITCHCOCK,
Col. 2d Regt., B. B. Gen. Comdg. P. D.

Head-Quarters Pacific Division,
San Francisco, December 22d, 1852.

[Document No. 6.]

IN THE SENATE.] [SESSION OF 1854.

REPORT

OF THE

COMMITTEE TO EXAMINE BOOKS, ETC.

OF

COMPTROLLER AND TREASURER.

[GEORGE KERR, STATE PRINTER.

Sacramento, August 26, 1852.

To His Excellency Governor Bigler :

Sir :—Herewith I have the honor to transmit to your Excellency the report of the committee appointed to examine the accounts of the Treasurer and Comptroller of State, together with the papers marked respectively A, B, C, and D.

Very respectfully,
Your obedient servant,
H. E. ROBINSON.

REPORT.

To his Excellency John Bigler:

Sir,—

The undersigned Committee, appointed by resolution of the Senate, May 4th, 1852, to examine the books and accounts of the Treasurer and Comptroller of State, respectfully submit to your Excellency, as required by the resolution, the following report:

Soon after the adjournment of the Legislature, the Committee entered upon the discharge of their duties, and in proceeding to the investigation, they deemed it expedient to separate the accounts of the three fiscal years, with a view to exhibit the entire fiscal transactions of each year. From the confused manner in which the yearly accounts have been mixed, and the limited time assigned the Committee, this plan was necessarily abandoned, and the examination as herein reported comprises three fiscal years, showing the entire fiscal operations of the State from the commencement of the legislative session, November 15th, 1849, up to July 1st, 1852.

On reference to the schedule marked A, accompanying this report, it will be seen that the aggregate assessments for three years upon the valuation of real and personal property in the various counties, including $16,000 for the city of San Francisco, amount to the sum of $897,753 10. The delinquent list of taxes for the same period to credit of the counties, $122,575 99, and the balance due the State up to July 1, 1852, $108,868 56. The revenue paid by the counties into the State Treasury on Comptroller's orders, - - - - - $642,119 95

Tax on foreign miners, - - - - -	33,161 38
State Assayer, - - - - -	1,106 07
Emigrant Commutation Fund, - - - -	24,391 25
Balance in favor of the Treasury not on the books of the Comptroller, - - - - - -	19 67
Total amount of nett revenue for three fiscal years, ending June 30, 1852, - - - - -	700,798 32

For which the Treasurer has given credit as follows: (See Statement marked B.)

First fiscal year,	$3,156 27
Second do.	330,808 35
Third do.	366,833 70
	700,798 32

The Committee are informed that subsequent to June 30, sundry delinquent lists have been handed in, which, when approved and allowed by the Comptroller, will tend to diminish the sum due the State. By the Act prescribing the mode of assessing and collecting the public revenue, passed March 30, 1850, County Auditors were required to make out and transmit to the Comptroller of State, on or before the first day of November of each year, a full abstract of all property, real and personal, listed in their respective counties in form prescribed by law. It was also made their duty to keep a record in their respective offices of the delinquent list of taxes, and the County Treasurers were required to deliver a duplicate of such list to the Comptroller of State. In this there has been apparently great negligence, as few full lists, either of assessment or delinquent, are found on file in the Comptroller's office.

The revenue Act of May 18, 1851, made it obligatory upon the County Auditors to transmit to the Comptroller, on or before the first day of October of each year, a complete abstract of the property listed in their counties, in conformity to the mode prescribed by law; and the Treasurers in like manner were required to make returns under oath to the Treasurer of State of all taxes remaining unpaid in their respective counties, in accordance with the returns made to them by the collectors. Only in a few instances have these important provisions of the Act been complied with, although the officer neglecting this part of his duty is held liable upon his official bond in the full amount of taxes charged in the delinquent list. For these reasons, it has been found impossible to ascertain the exact amount due by the County Treasurers. The delinquent list for 1851, rendered by the county of San Francisco, (not included in this report, it having been returned subsequent to 30th June last, and nearly equal to the balance standing against the county,) is handsomely made up, and in conformity to law. The same may be said of the counties of Santa Clara and Los Angeles. Of the balance to the debit of the county of Los Angeles, $1,000 were stolen from the Treasurer thereof, Manuel Garfias, at Sacramento, who had tendered the amount to the proper officer, but who declined receiving it in consequence of the detention of his books and accounts at San Jose. In conformity with his duty, the Comptroller has instituted suit against the late Treasurer of Tuolumne county, D. A. Enyart, and obtained judgment for balance due by him to the State. The Committee have not ascertained as to the sufficiency of his securities. The Committee are also informed that the late Treasurer of Sonora county, A. C. McDonald, is likewise a defaulter, having used the public funds, and that endeavors are being made to settle with his securities.

The Comptroller, an energetic public officer, is making every effort to force all delinquent county officers to a settlement of their accounts, and to a strict compliance with their duties as pointed out by law. It appears that judgment has been rendered in the District Court against L. A. Besançon, late Collector of Foreign Miners' Tax, for State funds withheld by him, and standing to his debit on the books of the Treasurer, in the sum of $12,431 25; and in the Supreme Court, against D. S. Woodlief, also late Collector of Foreign Miners' Tax, in the sum of $11,683 66. Their securities are represented as very doubtful.

Statement marked C, exhibits the class and sum total of the public debt, as follows:

Civil Warrants outstanding July 1st, - - -	500,652 88
Three per cent. Bonds, with interest accrued thereon, -	211,365 00
Seven per cent. do. do. do. -	556,370 08
Civil debt, - - - - -	1,268,387 96
Amount War Warrants issued to July 1st, with interest thereon, - - - - - -	525,957 27
Total public debt audited to July 1st, 1852, - -	1,794,345 23
To this is to be added the additional appropriations by the last Legislature, of $600,000, to defray expenses of Indian Wars, which it is believed will not be more than sufficient to satisfy the claims, less $298,145 07 bonds and warrants issued under the Act, - - -	301,854 93
Swelling the entire debt of the State to - -	2,096,200 16

Should the General Government, in accordance with the policy heretofore pursued with other States, assume the payment of the debt incurred by reason of Indian hostilities, the State will thus be relieved of a responsibility exceeding the sum of $800,000.

Statement marked D, is intended to show the expenses which have pertained to the various branches of government, and other leading expenditures, audited up to July 1st, 1852. It will be observed that the legislative expenses alone, during the three sessions, have exceeded the entire nett revenue of the State, for a like period, in the sum of $85,974 04, while the extraordinary amount paid for public printing has absorbed nearly one half of the total receipts into the Treasury.

The Committee having had no authority to summon the attendance of practical printers, the auditing of these important accounts could not be examined. It is proper here to remark, that in the paper marked D, items for printing charged to the various contingent expenses, are therein included.

The public debt, it is presumed, as it now stands, is not of sufficient magnitude to impair, in any considerable degree, the credit of the State; unless, indeed, it shall be permitted to increase from year to year by an excess of expenditure exceeding the current annual revenue of the State. If the spirit of extravagance, which has thus far unfortunately character-

ized California legislation, should be continued; if the expenses of government be not in a measure restricted to its income, the conclusion seems inevitable, that the credit of the State will be weighed down and humbled by annual accumulations to the public debt. No other State of the American Union has been placed in a position similar to that of California, in the formation of her government. The extraordinary amounts of her inexhaustible mineral wealth, and the known liberality of the General Government, caused an immense influx of people, as it were, from all parts of the world. We were without protection or laws, and it became necessary for our own character and preservation to institute some form of government. This was done at a time when men of the most ordinary capacity could command from ten to sixteen dollars per day for their services: and our legislators, probably influenced by this singular state of things, fixed the salaries of officers, and regulated other expenses, at rates somewhat corresponding with the then existing prices of labor.

The organization of the State Government under the most embarrassing circumstances, at a period when she could command neither money or credit, may well be taken into consideration in accounting for the total expenditure of the public revenues, and the creation of the public debt.

The accounts of the Treasurer, together with the vouchers, have been carefully examined. The books have, in general, been neatly and methodically kept, and are correct; the only difference between that officer and the Comptroller being $19 65 in his own favor, in a running account of three years. Balance of cash in the Treasury, June 30, 1852, $32,198 92, to the credit of the following funds:

General Fund, - - - - -	$6,169 65
Interest Fund, - - - - -	10,834 48
School Tax Fund, - - - - -	499 83
San Francisco State Marine Hospital, - -	14,634 75
Military Fund, - - - - -	60 20
	32,198 92

The extent of the examination being much greater than was anticipated, and the Committee being limited in time, the investigation of the Comptroller's department has not been as thorough as its importance demands. The Comptroller being the Auditor of State, a heavy responsibility falls upon him in construing the financial laws of the Legislature. The accounts of the Comptroller's department are found correct, with the exceptions of the sums of $1,008 80, over audited in mistake, and paid to the clerks and members of the Legislature, and $19 65 not charged to the Treasurer. The books, however, in the opinion of the Committee, have not been properly kept. They abound in errors, and the entries are not in general sufficiently clear and explicit, running into each other so as to render it very laborious and difficult to arrive at any satisfactory yearly result. This rises principally from the employment of incompetent or inexperienced clerks, as well as to the constant interruption to which they are subjected during a press of business at the office. It is admitted that the double entry system of keeping accounts is the most simple and the least laborious. Errors are thus easily detected, and by

this method the books should be fully written up and balanced at the close of each fiscal year. None but a thorough and accomplished accountant should be permitted to make an original entry in the books either of the Treasurer's or Comptroller's department.

The Committee have carefully made up an estimate of the probable expenditure for the fourth fiscal year, commencing July 1, and ending June 30, 1853. From the data before them, it is shown that the sum total will amount to $1,105,099. It is not believed that the net revenue of the State for a like period will be adequate to meet the above estimate; the deficiency must of necessity be a further addition to the existing debt.

Previous to the last session of the Legislature, and in pursuance of public notice given by the Treasurer for the payment of the interest due on the funded debt in the city of New York, propositions were submitted for the consideration of that officer by sundry banking firms of San Francisco.

That of Burgoyne & Co., was to transmit the funds necessary for the liquidation of the interest falling due in New York, charging therefor one half of one per cent. commission, if placed in funds by the State, and two per cent. per month interest upon advances.

That of B. Davidson, one per cent. commission, and upon advances, the legal interest of the State.

That of Page, Bacon, & Co., two and a half per cent. commission on amount transmitted if in funds, and interest two per cent. per month for advancing.

That of Palmer, Cook, & Co., to transact the business free of charge to the State, if in funds; if not, interest only at the rate of seven per cent. per annum upon advances.

This last proposition being the most favorable, was accepted by the Treasurer, and the parties to the contract have, in the opinion of the Committee, given ample security for its fulfilment.

Most respectfully,
Your obedient servants,
HENRY E. ROBINSON,
JOHN WALTON.

Sacramento, Aug. 10, 1852.

COUNTIES.	Taxes assessed for State purposes for three fiscal years, ending June 30, 1850.	Amounts collected.	Mileage and Commissions.	Nett revenue collected and paid into the State Treasury.	Delinquent to credit of the Counties.	Due the State.
San Francisco,	$291,348 75	$239,523 50	$6,520 18	$233,003 32	$23,387 65	$28,537 60
Sacramento,	130,393 61	107,122 47	90 50	107,031 97		23,271 14
Yuba,	58,093 20	22,839 04	827 33	22,011 71	31,126 80	4,037 36
Santa Clara,	53,843 21	41,392 93	1,729 60	39,663 33	12,449 82	46
San Joaquin,	33,754 77	23,731 22	1,142 95	22,588 27	9,921 30	102 25
Monterey,	31,945 94	27,286 17	1,330 38	25,955 79	4,659 77	
Los Angeles,	28,411 14	22,300 23	1,669 89	20,630 34	4,784 15	1,026 78
Solano,	23,734 62	17,251 29	772 95	16,478 31	6,100 92	382 41
Contra Costa,	22,963 96	20,409 39	864 78	19,544 61	2,554 57	
El Dorado,	22,122 27	10,138 99	295 06	9,843 93	7,957 46	4,025 82
Tuolumne,	18,869 00	8,717 28	456 77	8,260 51		10,151 72
Sonoma,	18,568 59	10,036 21	463 78	9,572 43	1,857 35	6,675 03
Sutter,	17,888 34	6,273 74	501 36	5,772 38	6,538 96	5,075 64
Santa Cruz,	15,610 60	13,496 24	644 85	12,851 39	1,911 27	233 09
Calaveras,	13,032 91	3,491 41	317 48	3,173 93		9,541 50
Santa Barbara,	11,198 51	9,160 93	452 80	8,708 13	502 12	1,835 46
Shasta,	10,716 15	8,405 83	832 05	7,573 78	2,227 32	113 00
Butte,	10,659 50	4,004 79	427 57	3,577 28	3,683 14	2,971 57
Marin,	10,573 36	9,548 22	592 69	8,955 53	1,025 14	
Napa,	10,495 21	9,634 39	693 77	8,940 62	860 82	
Placer,	9,027 48	8,261 91	320 30	7,941 61	765 57	
Nevada,	8,782 67	8,310 41		8,310 41		472 26
San Diego,	7,715 15	5,140 02	1,229 52	3,910 50	29 68	2,545 45
Yolo,	6,543 24	4,597 01	587 21	4,009 80	182 88	1,763 35
San Luis Obispo,	6,344 65	5,612 97	729 58	4,913 39	149 32	552 36
Trinity,	4,204 94	1,435 41	401 38	1,034 03		2,769 53
Colusi,	2,591 79	1,823 52	69 43	1,754 09		768 27
Mariposa,	2,125 04	858 53		858 53		1,266 51
Klamath,	224 50	224 50	224 50			
City of San Francisco,	16,000 00	15,250 00		15,250 00		750 00
SACRAMENTO, June 30, 1852.	$897,753 10	$666,308 55	$24,188 60	$642,119 95	$122,575 99	$108,868 56

(B)

Shewing the Receipts into the State Treasury for three Fiscal Years ending June 30th, 1852.

1st Fiscal Year, 3 per cent. Bonds, -	$2,950	
Interest thereon, - - -	206 27	
		$3,156 27
2d Fiscal Year, 3 per cent. Bonds, -	$122,150 00	
Interest thereon, - -	34,422 66	
Warrants, - - -	168,466 15	
Cash, - - - -	5,769 54	
		$330,808 35
3d Fiscal Year, 3 per cent. Bonds,	$47,025 00	
Interest thereon, - -	27,103 56	
Warrants, - - -	28,731 19	
Cash, - - - -	263,973 95	
		$366,833 70
		$700,798 32

(C)

Showing the Class and sum total of the Audited Public Debt, up to July 1st, 1852.

Amount of 3 per cent. Bonds issued,		$290,100 00
" " " " " redeemed,		172,675 00
" " " " " outstanding,		117,425 00
Accrued interest to July 1st,		93,940 00
Seven per cent. Bonds issued under Act April 29, '50,	$417,000	
Redeemed,	19,500	
		397,500 00
Interest accrued and uncalled for,		2,060 08
Seven per cent. Bonds, issued under Act May 1st, '52,		156,810 00
Twelve per cent. War Bonds, issued under Act Feb. 15, '51,		200,000 00
Accrued interest to July 1,		27,812 20
Seven per cent. War Bonds, issued under Act May 1, '52,		144,000 00
War Warrants, unfunded,		154,145 07
Civil Warrants outstanding,		500,652 88
		$1,794,345 23

(D)

Expenses of the Legislature,

From commencement of the first Session, Nov. 15, 1849, to May 4th, 1852,	$786,772 36
Expenses of Public Printing, from Jan. 10th, 1850, (date, election of Public Printer,) comprising a period of less than two and a half years, audited up to July 1st, 1852,	337,477 09
Expenses for salaries of District Judges, District Attorneys, Judges of Supreme Court and its contingent expenses, (Supreme Court organized Feb. 14th, 1850—District Court organized March 16th, 1850,)	313,902 60
Expended by reason of the removal of the Capital from San Jose, including appropriation to city of San Jose, $50,353 00; also, sundry bills for State furniture, salary of State Prison Inspectors and Superintendent of Public Buildings, offices created in consequence of removal,	107,994 64
Expenses for support of State Hospitals at Sacramento and Stockton, audited up to July 1st, including the sum of $25,000 appropriated for the purchase of State Hospital at Sacramento, and $8,000 for the Insane Hospital at Stockton,*	101,839 91
For salary of Governor, and contingent expenses,	36,062 56
" " Treasurer, " "	29,386 62
" " Comptroller, " "	29,586 28
" " Surveyor-General, " "	26,368 67
" " Secretary of State, " "	23,812 26
" " Attorney-General, " "	23,552 98
" " State Translator, " "	16,412 14
" " Superintendent of Public Instruction, and contingent expenses,	11,230 86
" " Quarter-Master General, and contingent expenses,	6,676 61
For transporting seven State convicts to San Francisco,	26,368 67
Emigrant Relief Fund, audited,	18,060 77

* No full returns having been received by the Comptroller of the receipts and disbursements of the State Marine Hospital, the expenses of that institution could not be ascertained.

[Document No. 7.]

IN THE SENATE.] [SESSION OF 1853.

DOCUMENTS

CONNECTED WITH THE

STATE PRISON.

[GEORGE KERR, STATE PRINTER.

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STATE PRISON.

In accordance with a law passed May 1, 1852, providing for the erection of a State Prison: Sealed proposals will be received at the office of the Superintendent of Public Buildings, until the 18th of September next, at 12 o'clock, for furnishing the materials and completion of the work in accordance with the plans and specifications, to be seen at his office, at the city of Vallejo. Each bid to be accompanied with the names of the securities, signed by themselves and binding themselves, as such, in the event the bid is accepted. The Commissioners reserve the right of rejecting all bids, but any bid accepted, will be that of the lowest responsible bidder. The bids will be opened at the office of the Superintendent of Public Buildings, and the result announced within fifteen days thereafter.

JAMES S. GRAHAM,
Sup. Public Buildings.

GEO. McDOUGAL,
HORACE W. CARPENTIER,
JAMES MILLER,
Commissioners.

Aug. 9, 4ot.

ATTORNEY GENERAL'S OFFICE,
San Francisco, Sept. 22, 1852.

COL. JAS. MILLER,
Secretary Board State Prison Buildings:

In reply to your note of this morning, stating that the proposals heretofore received for erecting State Prison Buildings are not satisfactory, and requesting my opinion whether it is competent for the Board to receive bids on a further notice, for a shorter period than forty days, I think it will be a substantial compliance with the law, to continue the present letting, from day to day, until the Board are satisfied that the most favorable proposals are submitted for the interests of the State.

(Signed) S. C. HASTINGS,
Attorney General.

Notice is hereby given, that the time for receiving bids in the State Prison Buildings, is extended to Thursday, 30th September, at 12 o'clock. Bids must be made in detail per pound, per thousand, per square foot, &c., for all the material used in the buildings according to the plans and specifications. It being understood that the estimate is for the material properly placed in the buildings, in conformity to the plans and specifications.

The bids must be handed in at the office of H. W. Carpentier, corner of Merchant and Montgomery Streets, San Francisco, where they will be opened at the time appointed.

JAMES S. GRAHAM,
Sup't Public Buildings.

GEO. McDOUGAL,
JAMES MILLER,
H. W. CARPENTIER,
Commissioners.

Sept. 29, td.

San Francisco, October 2, 1852.

To His Excellency,
Gov. Bigler:

Sir: —

In accordance with a law, entitled "An Act providing for the erection of a State Prison," the proposals marked A and B, which are all received by the Commissioners at the last letting (the others having been either rejected or withdrawn, together with the award,) of the Commissioners are hereby submitted for your consideration. The proposal marked A being the lowest, and, as we think, at reasonable prices, is the bid accepted by the Commissioners, and to the party making that bid, the contract is awarded, provided it meet with your approbation.

Most respectfully,

JAMES S. GRAHAM,
Sup't Public Buildings.

JAMES MILLER,
GEO. McDOUGAL,
Signed for him at his request by J. S. Graham.
Commissioners.

P. S.—Mr. Carpentier wishing to make the report in a different form, will submit his report over his own signature.

COMMISSIONERS.

San Francisco, Sept. 29th, 1852.

Hon. Jas. S. Graham,
Commissioner of Public Buildings,
and his Associates,

Gentlemen :—

I propose to erect the "State Penitentiary," and out buildings, at "Point San Quentin," in Marin county, in accordance with the drawings now on file in the Commissioners Office at the following rates, viz :

For excavations and embankments, each,	$1 25, per solid yard.
For hammered stone,	2 30, per solid foot.
For cut stone,	3 30, per foot.
For rubble stone,	1 12½, per foot.
For bricks laid in the walls,	37 50, per 1000.
For iron work,	25, per lb.
For Carpenter's work,	8 50, per day.
For lumber,	90 00, per 1,000 feet.
For plastering,	1 50, per yard.
For Tinner's work,	25 00, per square.
For painting and glazing,	25 00, per square.
For copper work,	45, per pound.
For locks for cells,	80 00, each.

For the faithful performance of the within, I refer you to the annexed guarantee, and remain,

Very respectfully,
Your obedient servant,
FERDINAND VASSAULT.

San Francisco, Sept. 29th, 1852.

Hon. Jas. S. Graham,
Commissioner of Public Buildings,
and his Associates,

Gentlemen :—

For the fulfillment of the annexed bid made by Ferdinand Vassault, we will become responsible, provided the same should be accepted.

Very respectfully,
Your obedient servants,
J. M. ESTILL,
R. H. ALLEN,
JOSEPH DANIELS.

San Francisco, Sept. 30th, 1852.

To Commissioners of Public Buildings,

Gentlemen:—

I will furnish the material, &c., for the Prison Building, in accordance with your advertisement, for the following rates:

For excavation and embankment, each,	$1 50, per yard.
For hammered stone,	2 44, per foot.
For cut do.,	3 50, per foot.
For rubble do.,	1 25, per foot.
For bricks in wall,	40 00, per M.
For iron work,	30, per lb.
For Carpenter's work,	10 00, per day.
For lumber,	100 00, per M.
For plastering,	2 00, per yard.
For Tinner's work,	30 00, per square.
For painting and glazing,	30 00, per square.
For copper work,	50, per lb.
For locks for cells,	100 00, each.

I will offer as my sureties for the performance of the contract, the names of John Middleton and T. Butler King.

Yours, &c.

(Signed) ISAAC SUFFRANCE, B.

The following Table shows the bid that was made for furnishing labor and material to be used in the construction of the State Penitentiary. Also the amount of said bid, estimating the State Bonds at 80 cents per dollar, at 20 per cent. discount; also the cash value of the labor and material in California at this day.

	Amount of Bid.	Nett amount deducting 20 per cent.	Cash value in California.
Excavation and embankment, per yard,	$1 25	$1 00	$1 20
Hammered stone, per foot,	2 30	1 84	2 25
Cut stone, per foot,	3 30	2 64	4 20
Rubble stone, per foot,	1 12½	90	1 00
Bricks per thousand, in wall,	37 50	30 00	37 50
Iron work, per lb.,	25	20	20
Carpenter's work, per day,	8 50	6 80	7 50
Lumber, per thousand feet,	90 00	72 00	120 00
Plastering, per yard,	1 50	1 20	1 37
Tinner's work, per square,	25 00	20 00	25 00
Painting and glazing, per sq're,	25 00	20 00	23 00
Copper work, per lb.,	45	34	40
Locks for cells, each,	80 00	64 00	120 00

It will be observed that but 85 per cent. on the amount of contract is paid, the balance on the termination of the work.

To His Excellency
GOVEROR BIGLER,

SIR:—

The undersigned, one of the Commissioners of the State Prison Buildings, asks leave to report:

That in accordance with "An Act to provide for the erection of a State Prison," notice was given in three public newspapers, for the term of forty days, for proposals for the erection of a Prison according to the plan and specifications filed in the office of the Superintendent of Public Buildings. At the expiration of the time advertised, six proposals had been received, of which three were subsequently withdrawn, and the rest rejected as unsatisfactory. It was thereupon resolved to advertise anew, but on advising with the Attorney General, notice was given extending the time for recieving proposals until the 30th September, when two new bids were received, both of which are submitted to your Excellency by the Commissioners. By section six of the act above referred to, the Board of Commissioners are required to award the contract to the lowest responsible bidder. The proposal marked A, being the lowest bid entertained by the commissioners, is submitted for your consideration and approval.

Should the contract be awarded, however, the undersigned is of opinion that it should be expressly stipulated that the contract is so awarded only to the extent of one of the main buildings with the cells, the building for female cells, the privies, kitchen and necessary appurtenances, and the wall according to the plan and specifications prepared under the direction of the Superintendent of Public Buildings, or should the award be for the whole work according to the plan, the undersigned believes that it should be made subject to the approval of the next Legislature.

I have the honor to be
Your Excellency's
Obedient Servant,

HORACE W. CARPENTIER,
State Prison Inspector.

ATTORNEY GENERAL'S OFFICE,
San Francisco, Nov. 16, 1853.

GOV. BIGLER, SIR:—

Relative to the duties of the Governor, under the act "providing for the Erection of a State Prison, approved May 1st, 1852," concerning which you request my opinion in your note of this date: it is clear from the proviso of the sixth section, *that the Governor has no control over the plan of the buildings or the contract for their erection*, further than to consider the proposals or bids, and the award thereon of the Commissioners, which he must approve or not.

Yours respectfully, &c.

S. C. HASTINGS,
Attorney General.

NOTE.—The above opinion was communicated verbally by the Attorney General, previous to the approval of the award, October 6th, and subsequently transmitted in writing as above.

BENICIA, October 6, 1852.

The Commissioners authorized by law to contract for the erection of a State Prison for the State of California, having awarded the contract to F. Vassault, as the lowest and best bidder, and presented to me the bids which were received by them, for examination, I hereby certify that I have as required by law examined the bids, and approve the award made, the contract having been given to the lowest responsible bidder.

JOHN BIGLER, Governor.

San Francisco, October 9th, 1852.

Gov. Bigler, Sir:—

Please find enclosed the contract for the State Prison. You will find it approved and signed by three of the Commissioners. George McDougal, the other Commissioner, has requested me in writing to sign his name for him, and giving me full authority to do it, but I have thought it unnecessary to do so, particularly as he will be able to do so himself in a short time, but I know, and here state from his own authority, that he approved of this contract.

Another reason for not signing his name, is, that three out of the four Commissioners have signed, in their own handwriting, which I think of itself is sufficient.

Most respectfully,

JAMES S. GRAHAM,
Superintendent of Public Buildings.

THIS AGREEMENT, for building, labor and materials, made the ninth day of October, in the year one thousand eight hundred and fifty-two, by and between the Commissioners of the State of California, duly authorized and empowered by an Act of the Legislature passed May 1st, 1852, consisting of James S. Graham, Superintendent of Public Buildings, George McDougal, Horace W. Carpentier, and James Miller, of the first part, and Ferdinand Vassault, of the City of San Francisco, of the second part, as principal, with James M. Estill, of the County of Solano, Robert Allen and Joseph Daniels, of the City of San Francisco, his sureties, *Witnesseth:* That the said party of the second part covenants and agrees to and with the party of the first part to make, erect, build and finish, in a good substantial and workmanlike manner, on the lot selected for that purpose by the said Commissioners, at San Quentin Point, County of Marin, a State Prison, agreeable to the plans deposited in the office of the Superintendent of Public Buildings, at Vallejo, and to furnish the materials, and complete the work at the time and in the manner following, to wit:

Dimensions—The space to be occupied for the aforesaid purposes, is to be an oblong square of the following dimensions, viz: five hundred feet by four hundred and fifty feet, which is to be enclosed with a wall of twenty four feet high, and five feet thick at the graduation line, diminishing to four feet thick at the top. At each angle there is to be an embattled tower, to extend fifteen feet above the top of the wall, and to be fourteen feet in diameter at the base. The pilasters in the front of the wall are to project eight inches.

Keeper's House.—In connection with the front wall there is to be a Keeper's House, three stories high, with an armory and watch tower in the rear. It is to extend beyond the front a distance of fifty four feet six inches, and occupy a breadth of fifty eight feet, and within the wall, a distance of sixteen feet four inches by twenty feet; beyond the line of which there is to be a semi circular watch tower, one story high, eighteen feet in diameter. The armory portion is to be two stories high. There is to be an octagonal vestibule formed in the second building, which is to be extended upwards (in a circular form above the roof) to the height of twenty-nine feet, in tower form, above the parapet wall. As the said Commissioners do not intend to progress with the whole of the buildings designed by the plans to be erected within the walls, it is necessary to state that one of the buildings, next to the centre, which is to be twenty-eight feet by two hundred and thirty feet, and three stories high, in which the prisoners' dining room is formed, and that portion occupied by the nine cells for females, and the laundry, which is to be two stories high, also the privies adjacent thereto, are, together with the work beforementioned in the formation of the walls, towers and Keeper's house, to be performed and completed by the present arrangements, in conformity to these specifications and the accompanying plans for the purpose.

Height of Stories—In the Keeper's house, the principal story is to be

twelve feet eight inches in the clear; the second story is to be twelve feet high in the clear; and the third story is to be eleven feet high in the clear. The parapet walls are to be three feet high above the springing line of the rafters. In the male prisoners' building, the principal story is to be eight inches above the grade line to the floor, and ten feet eight inches high in the clear; the second and third stories therein, are to be each eight feet in the clear. The portion containing the cells for females, and the laundry, are to be ten feet in the clear. Immediately over which, there is to be a dying room throughout, nine feet high in the clear. There is to be a floor in the tower of the Keeper's house; also floors and stairs in the tower at the angles of the outer walls.

Excavations.—Trenches of sufficient capacity for the reception of the different foundations for the aforesaid walls and buildings; also a vault for the privies are to be made, and the superfluous materials that may remain after filling in around the foundations, and forming a proper grade about the works, is to be removed to such portions of the premises, (within the walls,) as the superintendent may approve.

Coursed and Rubble Stone Work.—The foundations for the outer walls and towers at the corners thereof, for the external walls of the male prisoners' building, and for the piers within the same, also for the portion containing the cells for females, are in each instance to be three feet deep below the grade line, unless that it is found upon excavating for the same, that solid rock is struck before attaining that depth, in which case the building may begin thereon. The foundations for the external and internal walls of the Keeper's house, are to be two feet below the grade line.

The following are the thicknesses for the different portions aforesaid, viz: for the front or outer walls five feet two and a half inches, broken around the pilasters, with a projection of two and a half inches, for the exterior of the male prisoner's building, three feet eight, for the piers therein, five feet square, if the ground (in point of solidity) is approved by the Superintendent; if not, there is to be a series of inverted arches along that line three feet eight inches thick, to support the piers and centre superincumbent wall. For the portion containing the cells for females, in the exterior, two feet six inches thick, and for the party walls therein, two feet. For the external and party walls of the Keeper's house, the foundations are to be two feet thick in each instance. The said foundations are to be formed with the largest pieces of blocks of stone that can be used for the different purposes, and the work is to be built entirely solid with the most perfect bond.

Hammered Stone Work.—The following portions are to be formed with hammered stone work, viz: The fronts of the outer walls, to the height of two feet eight inches, and the inner sides thereof to the height of eight feet above the grade line, with the blocks at least one foot on the beds; the external walls of the male prisoners' building, the piers in the first story, the centre and party walls in the second and third stories, together with their arches, are to be formed in the aforesaid manner, with

blocks which are to extend through the walls at intervals for bond ; those for the outer walls are to be secured together by means of iron clamps, and the remaining portions are to be secured by means of two inch iron devvels, to each horizontal, vertical, and summering joints. If the Commissioners do not consider that the blocks used for the purpose are large enough to secure perfect bond in the work, there are to be iron clamps inserted across the bed joints, in addition to the devvels.

The following are the thicknesses for the different portions in the male prisoners' building, viz : For the external walls of the principal story, two feet thick ; in addition to which, the piers connected therewith are to be one foot by three feet, and there is to be a plinth course, to project the four external sides thereof two and a half inches, to the height of the line of the apertures for windows. The piers are to be three feet square. The external walls of the second and third stories, and the centre wall therein, are to be three feet thick ; the party walls and arches therein are to be sixteen inches thick. All formed as aforesaid, with the largest blocks that can be procured and used for the different purposes.

Cut Stone Work.—The following portions are to be of cut stone, viz : The plinths, belt courses, and cornices of the Keeper's house and towers, also the caps of the embrazures and loops, the sills and mullions to the windows, the sills, jambs, and lentils of the doors and windows, in the buildings for male and female prisoners ; also the sills in the external openings for doors in the Keeper's house ; the capping of the outer walls, and those of the centre and ends of the buildings for male prisoners, and the floors of the three stories therein. In each instance the sills are to be in one piece, to extend through the thickness of the wall for the doors ; they are to be eight inches thick, and for the windows six inches thick. The capping of the different walls are to be eight inches thick in each instance, to extend across the walls in one piece. The floors of the cells in the second and third stories, are to be eight inches thick, formed with the largest pieces that can be procured and used for the purpose ; at their joinings at each edge there are to be two one inch iron devvels inserted. The floor of the principal story is to be formed with flags, and not less than three inches thick. In the construction of the aforesaid rubble, hammered and cut stone work, of the walls, no stone is to be used with less than one foot bed, and the whole is to be formed with sound granite throughout, laid with the best mortar, composed of pure lime and clean sharp sand, free from foreign substances, which are to be well manipulated together for the purpose ; and the different parts in each respect are to be completed in the best workmanlike manner.

Brick Work.—The following portions are to be formed with brick, viz. : The outer walls and towers at the angles thereof, the keeper's house and tower, the female prisoners' building, laundry and drying room, the groined arches in the principal story of the male prisoners' building, the even and party walls therein, and the filling up to the lines of the apexes of the different arches in the second and third stories, also to the height of the pitch for the roof and topping out of the parting walls in the centre of

the said male prisoner building; that is, exclusive of the portions of stone work before mentioned to constitute portions of the said work.

Thicknesses.—The outer walls are to be of the dimensions before mentioned for the same. The towers at the corners thereof are to be three feet thick to the height of the walls, and sixteen inches thick from that line to the termination. The external walls of the keeper's house, in the front and flanks, are to be twenty inches thick, and in the rear, three feet thick throughout for the first story, and sixteen inches for the second and third stories; also the parapets, the party walls, and tower, are to be one foot thick, and in the vestibule, and upwards to the base of the tower, the octagonal form is to be built solid in connection with the party walls; the armory walls are to be two feet thick for the first story, and sixteen inches for the second story thereof. The external walls of the prison for females are to be two feet thick, and at the laundry sixteen, over which the walls of the second story are to be twelve inches thick; and the groined arches in the principal story in the building for male prisoners are to be two feet thick, and the termination at the centre wall is to be three feet thick. The party walls between the cells for females, and the arches over the same, are to be sixteen inches thick; the internal angles between the arches are to be built up solid to the line of the apexes. The walls of the vault for the privies are to be ten feet deep, and sixteen inches thick to the grade line, and ten feet high and twelve inches thick above that line. The whole of the bricks for the aforesaid work are to be of the best quality of hard burned merchantable, California manufacture; excepting the exterior of the keeper's building, in front of wall, which is to be formed with pressed brick, all of which are to be laid in the best manner, with headers every fifth course, and so as to effect the most perfect bonds, with the best mortar formed of pure lime and clean sharp sand, free from foreign substances, and well manipulated. The flues are to be smoothly parjeted, and the joints are to be cleanly struck on the exterior surfaces. The whole work is to be rendered entirely solid throughout, in the best workmanlike manner.

Wood Work.—The joists for the first, second, and third floors, in the keeper's house, are to be three by twelve inches. The third ceiling joists are to be three by ten inches, all placed so as not to exceed sixteen inches from centres. At the fire places and openings for the stairs, the trimmers are to be double, and they are to be framed with beveled, turked, and lipped tenons. In the centre of each tier, between the party walls and planks, there is to be a scantling three by six inches, dovetailed and keyed to every joist, for the purpose of effecting a camber along the upper edges thereof. The rafters are to be three by six inches, excepting those for the hips, which are to be three by eight inches. They are to be placed so as not to exceed two feet from centres, on plates two by eight inches, which are to be properly secured to the ends of the ceiling joists. There is to be a scuttle two feet by two feet six inches, formed in the roof over the hall for means of egress and ingress. The joists for the first and second floors in the bell tower, and those for the roof thereof, are to be three by twelve inches, and placed so as not to exceed sixteen inches from centres. The joists for each floor and roof of the watch-tower at the

corners of the outer wall, are to be three by ten inches, placed so as not to exceed eighteen inches from centres. The joists for the laundry, and those portions over it, are to be three by ten inches, not to exceed sixteen inches from centres, and those for the ceiling are to be of the same dimensions and distance apart. The rafters are to be three by six inches, placed two feet from centres, and well secured to plates two by eight inches at the springing line. The joists for the cells intended for females are to be three by six inches, placed so as not to exceed eighteen inches from centres underneath, and flush with which there is to be concrete, formed with granite spalls, clean sharp sand, and the best hydraulic cement, which are to be manipulated with proper proportions of water, and the material is to be solidly rawed from a line eighteen inches below that of the top of the joists to the surfaces thereof. The joists of that portion of the drying room immediately over the cells, are to be three by six inches, placed sixteen inches apart. The joists for the privies, floors, and roofs, are to be three by eight inches, and eighteen inches from centres. Along the line of the seats there is to be a trimmer three by twelve inches, into which the joists are to be framed. Between the walls and the keyed scantling in the floors of the keeper's house, and in each tier in the towers and laundry, also drying room, there is to be a row of two and a half or three-inch bridging, in herring-bone style, well nailed.

Girders and Columns.—For the support of the laundry and drying room floors, also the roof thereof, there are to be three girders, each eight by ten inches, on which the joists are to rest. Every eight or ten feet the joists, at their joinings over the girders, are to be tied together by means of iron straps and bolts. The said girders are to be supported with turned columns of wood.

Partitions.—The wood partitions in the Keeper's house are to be formed with scantling two and a half by six inches, placed so as not to exceed a distance of sixteen inches from centres, and they are to be trussed with braces four by six inches, and plates and sills of four by six inches at each aperture for doors therein. The scantling are to be four by six inches. The partitions in the privy are to be formed with grooved and tongued two inch planks.

Sheathing.—The different roofs are to be sheathed with inch boards, and there are to be gutters with proper inclination, formed in each instance with the same materials. The whole of the aforesaid materials are to be sound, and of the best quality of red wood or Oregon fir.

Floors.—The floors of the different portions, are to be formed with grooved and tongued inch and a quarter yellow pine boards of the first quality, all of which are to be securely nailed to every joist upon which they rest.

Windows.—The frames in the Keeper's house are to be boxed, and the sashes are to be doubly hung therein with cords, pulleys and weights; the frames in the laundry and drying room are to be of two inch planks, and the whole of the sashes are to be of two inch clear pine; which, to-

gether with the frames, are to be completed in the best manner. In the bell tower, the slopes in the apertures are to be formed with inch lumber.

Doors.—The doors in the Keeper's building and in the laundry, also the privies, are to be paneled, the former two inches, and the latter inch and a half thick; they are to be hung with the best butt hinges to jambs two inches thick. Those in the Keeper's house and laundry, are to have eight inch rim locks thereon, and those in the privies are to have six inch locks. In the Keeper's house, the windows and doors are to be trimmed with double architraves.

Sashes.—The sashes in the principal story of the building for male prisoners, are to be made in two vertical folds in each aperture, and hung with good butt hinges to jambs three inches wide, which, together with the sashes, are to be two inches thick. In each instance they are to have spring bolts thereon.

Doors.—There are to be paneled doors in the principal story of that building two inches thick, hung to two inch jambs, each of which is to have an eight inch rim lock thereon.

Stairs.—The stairs in the Keeper's house, to the height of the second floor in the bell tower, also those in the laundry, are to be formed with three inch carriages, and inch and a quarter yellow pine treads, with inch risers, which are to be tongued and blocked together with scotias, and housed into two inch skirtings. In the Keeper's building, they are to be completed with brackets and turned mahogany balustrades, and moulded rails of the same materials. The balusters are to be two and a half inches, and the rail is to be two and a half by four inches; at the bottom step there is to be a neatly turned eight inch mahogany newel post.—The stairs in the laundry are to be finished with rails and square newels; the balustrades in the Keeper's house are to be dovetailed into the steps and floors around the wells, and the nosings are to be returned with the scotias in the strings and facias, which are to be rebated and beaded in the lower edges. The said stairs are to be formed in the best and most substantial manner throughout.

Mantels and Grates.—In connection with each fire-place in the Keeper's house, there is to be a neat mantle piece, with a neat iron grate, set in the best manner with fire bricks, and in each case there is to be a hearth laid with the best fire brick or marble tiles, so as to be flush with the floor.

Base.—There is to be a moulded base throughout the different portions of the principal story in the Keeper's house, also in the hall of the second story; the other portions of the building are to be finished with plain beveled base.

Privies.—The privies in the yard, and the water closet in the Keeper's house, are to be completed in the best manner, with risers and seats; the water closets to be complete with the best apparatus, from which there is

to be a pipe and drain conducted to a cess pool in the yard. The drain is to be formed with hard burned brick and tiles, laid and pargetted with hydraulic cement mortar. The cess pool is to be circular in form, six feet in diameter in the clear, and ten feet deep; it is to be arched over on the top and flagged at the bottom; the walls are to be of hard burned brick, laid and pargetted with hydraulic cement mortar, sixteen inches thick for the walls, with a twelve inch arch, containing an aperture on top guarded with stone, and covered with a flag stone, to be flush with the yard.

Gallows Frames and Pinnings.—For the support of the roof of the Keeper's house, there are to be framed gallows frames, immediately over the partitions formed of six by four lumber. The different ceilings in the Keeper's house are to be cross battened, with strips one inch thick and two or three inches wide, securely nailed, so as not to exceed sixteen inches from centre.

Tin and Copper Work.—The roof of the Keeper's house, and towers at the corners of the outer wall, also the roof over the drying room, are to be covered with perfect double cross (XX) tin, which is to be joined and soldered throughout in the best manner, and so as to be water proof.—There are to be four tin conductors, five inches in diameter, on the building containing the drying room; and two of copper on the Keeper's building, from which there are to be drains to a cistern. The second floor of the bell tower, and the roof thereof, are to be covered with copper, which is to be joined so as to be water-proof.

Tiling.—The roof of the building for male prisoners is to be covered in the best manner, with the best tiles, and the gallery roofs thereof are to be covered with the best galvanized iron. The tiles are to be well bedded and flushed with hydraulic cement mortar, which materials the brick work underneath the same is to be granted with, so as to render the whole impervious and water-proof.

Plastering.—The different walls, partitions, and ceilings in the building for the Keeper, are to be plastered with three coats of hard finish, the laths for the ceilings and partitions are to be pine or fir, the mortar is to be composed of the best lime, clean, sharp sand and hair, with which materials the work is to be completed and finished, so as to be straight and of the best quality throughout the different portions.

Iron Work.—In each cell in the building for male prisoners, there is to be a cast iron ventilating chamber, to connect with the ventilating flues in the centre wall. They are to be one inch thick, and one foot long between the flanges at the ends, the flanges are to be four inches at the inside ends, and two inches at the outer ends, in form they are to be splayed, so as to be two feet by eight inches at the outsides, and four by sixteen inches in the clear at the inner sides next the flues in the wall, the upper side of which is to be level. To each cell door there are to be two cast iron socket blocks to receive the bolts, they are to be let into the jambs of each securely, and are to be six inches wide on the face. The brack-

ets for the support of the galleries and roof of the prisoners' buildings are to be cast iron. There are to be two cast iron socket blocks in the jambs of the outer gates. The following portions are to be of wrought iron:

Clamps.—The clamps for the hammered stone are to be half an inch by two inches.

Derrels.—The derrels for the hammered stone work are to be one inch in diameter, and in each case four inches long.

Anchors.—There are to be iron anchors, secured by means of bolts with screws and nuts, to the joists in the Keeper's house. In each tier they are to be placed so as not to exceed ten feet from each other; they are to be formed of material half an inch by two inches.

Doors.—The doors for the cells, both of the male and female portions are, in each instance, to be two feet by six feet four inches, joined with a plate five eighths of an inch thick, upon which (in each case) there are to be three hinges securely riveted. The hinges are to be half an inch by four inches. To each door there are to be also two round bolts, inch and three quarters diameter, secured to straps four by half an inch, which are to join together on a heavy staple in the centre, and there be secured by means of the best padlock, which is to be hung with a chain for removal. On the inner side, at each door, there is to be an additional lock of the best quality, its position is to be such as to allow the key hole to be formed on the line of the centre of the straps of the bolts. To each door there are also to be four guards, securely riveted to the plate, for the purposes of the bolts. In each door there is to be a space of four by eight inches cut out, and two bars, of five eighths by one inch, riveted across, for light and ventilation.

Galleries.—The galleries of the male prisoners' building are to be three feet wide, the bearers for the purpose are to be four inches by three quarters of an inch, to extend through the walls; the railing is to be formed with materials of one inch by inch and a half; upon the bearers there are to be three by four wood scantlings, for the floors.

Stairs.—There are to be iron stairs in each of the four towers, at the corners of the outer wall, and also to the galleries above mentioned. The treads of the former are to be two feet long, and of the latter three feet; they are to be formed in the best manner, with iron railings, lattice treads, and risers, so as to be substantial.

Watch Towers.—The watch tower is to be formed with segmental forms of iron, three inches by six-eighths of an inch the height, which is to be nine feet high; there are to be five segmental forms, through which inch rods are to pass, from bottom to top, and four inches apart, on the circumference line. The roof is to be formed with a substantial frame of iron, which is to be covered with the best galvanized iron, to project at the eaves.

Gates and Doors.—The gates in the front of the outer wall are to be framed with plates, three sixteenths of an inch thick, securely riveted to bar frames of three-quarters of an inch by two inches, four hinges to each, of five-eighths by four inches, to act in corresponding iron eyes, which are, together with those for corresponding purposes in the cell doors, to be anchored and built solidly in the jambs. There are to be three iron doors in the Keeper's house, one to connect with the yard, and two with the iron watch tower, passing through the armory. They are to be three by eight feet, and semi-circular at the tops, and formed of materials of the same dimensions as those specified for the cell doors, also completed in a similar style.

In addition to the foregoing iron work, (first noticed,) there is to be a window in each cell for females, formed as follows, of cast iron, viz: four inches by two feet in the clear, in the centre, and splaying to a breadth and length of two feet four inches by eight inches. The said frames are to be cast one inch thick, and of sufficient breadth to extend in the solid through the thickness of the wall in that portion, and are to return on the faces thereof in flange form. In casting the said frames, there are to be three one inch holes left in each side, through which as many inch rods are to be passed, and extend eight inches beyond each side. The position of the rods is to be the centre of the frames.

Painting and Glazing.—Each light of glass in the windows of the Keeper's house, laundry and drying room, also in the principal story of the building for male prisoners, is to be in one solid piece of good quality. There are to be well tinned and puttied back and front, the sashes and trimmings, the doors and trimmings of wood and iron, the galleries and stairs, with trimmings and railing, the bracket iron in watch tower, the base skirtings, stringes and facias, together with the mantels, and all wood and iron trimmings usual to be painted in similar cases, are to be painted and grained with three coats, of such colors as the Superintendent may approve. The mahogany rails, balusters, newels, and all grained work are to be varnished.

Cisterns.—In the yard there is to be a brick cistern of sufficient capacity to contain one hundred thousand gallons of water; it is to be circular in form, arched at the bottom and top; the walls are to be sixteen inches thick, formed of hard burned brick laid and pargetted in the most solid manner, with hydraulic cement mortar. In the centre of the top, there is to be an aperture of two feet six inches square, or round, encircled with a stone guard, to which there is to be a trap door hung with strap hinges, and is to have a lock. On the roof of the Keeper's building, over the water closet, there is to be a wood cistern to contain two hundred gallons of water; it is to be formed with two inch planks, and lined with heavy sheet lead, from which there is to be a lead pipe conducted to the water closet, and from the water closet apparatus to the drain.

Force Pump.—There is to be a force pump of the best quality, for the purpose of distributing water in the kitchen and wood cistern; also a pump in each well.

Drains.—There is to be a drain, of sixteen inches square in the clear, from the Keeper's house to the cistern, for the purpose of conveying water from the conductors, to which the drain is to branch for the purpose.—They are to be formed with hard burnt brick, laid with hydraulic cement mortar, and pargetted with that material. The top of the drain work is to be six inches below the grade of the yard at the highest point.

Wells.—There are to be two wells sunk in the yard to a depth that will furnish ten feet head water from a spring or springs. They are to be walled up with stone, in the best manner, circular in form, and six feet in diameter, and finished with plank curbs and guards. The Commissioners are to furnish the pumps, lead pipes, water closet apparatus, and the washing and cooking apparatus, all of which the contractor is to set.

The materials for the formation of the aforesaid walls and structures, are to be of the best of the different qualities for the purposes, and every part and portion thereof is to be completed and finished in a good and workmanlike manner, in conformity to the foregoing specifications, and the accompanying plans, sections and elevations, for the purpose; and the said materials and work are to be such as to render entire satisfaction to the Commissioners appointed by the Legislature of California for the purpose.

In addition to the foregoing specified work, there are to be four iron doors, one in each of the towers at the corners of the outer wall, to be formed of materials of the same dimensions, and completed in the same manner as those for the cells before described.

In the execution of the work in connection with the cells, there are to be three iron anchor eyes, built in the jambs of the apertures for the purpose of hanging doors to, at a future period; they are to be on the inside of the cells, and formed and inserted in the corresponding manner with those for the plate doors. Also a proper iron guard to each, for the locks of the doors provided for by this clause. There are to be rebates cut on the stone for the purpose.

The rubbish or refuse material produced by the different excavations and works, are to be removed from the premises to a distance within fifty yards of the outer walls, according to the directions of the Commissioners.

The party of the first part are to have power to make such alterations as they may deem necessary in the execution of the work hereinbefore described, or in the materials used in the construction of the outward walls, and for all increase or change of materials, the party of the second part is to be allowed a price or prices proportionate to those hereinafter specified, and for all reductions in the work or materials, the same rule of allowance is to be made in favor of the party of the first part. The party of the second part to have reasonable notice of all such alterations or

hanges of materials, it being however well understood, that no important hanges in the plans or materials of said work shall be made after the first day of December, 1852, unless by consent of the party of the second part.

The party of the second part agrees to complete the prison buildings, containing one row of the male prisoners' cells, within nine months, and to complete and finish the entire work according to the said plans and the beforementioned specifications, within two years from the date of this agreement. And it is further understood and agreed by the parties hereto, that the next Legislature of California shall have power, by Act or Joint Resolution, so far to change the plan for the construction of the State Prison building, as to dispense with the Keeper's house.

And the party of the first part, in behalf of the State of California, covenants and agrees to pay to the party of the second part, for the labor and materials, and for the construction of the said State Prison, upon the terms and in the manner following, that is to say:

For excavation and embankment, including the grade to a level within the walls, and whatever grade without the walls, that the Commissioners may hereafter direct, each one dollar and twenty-five cents per cubic yard. For hammered stone, two dollars and thirty cents per cubic foot. For cut stone, three dollars and thirty cents per cubic foot. For rubble stone, one dollar and twelve and one half cents per cubic foot. For bricks laid in the walls, thirty-seven dollars and fifty cents per thousand. And it is mutually understood between the contracting parties, that the number of cubic feet which the external walls may contain shall be estimated by measuring from the bottom of the trench containing the foundation, and paid for accordingly. For all work of iron used in and about said State Prison, twenty-five cents per pound. For all carpenters' work, eight dollars and fifty cents per day each man. For each thousand feet of lumber, ninety dollars. For plastering, one dollar and fifty cents per square yard. For tinners' work, twenty-five dollars per square. For painting and glazing, each, twenty-five dollars per square. For all work in copper, forty-five cents per pound. For locks for cells, eighty dollars each; and for any other work in materials not herein enumerated, such reasonable price as may be agreed upon by the party of the first part, and in accordance with the prices above enumerated.

And it is further covenanted and agreed, by the party of the first part on the part of State of California, to pay to the party of the second part, for said labor and materials, quarter yearly, in the bonds of the State of California, in the manner pointed out in the eighth and ninth section of the Act of the Legislature, providing for the erection of a State Prison, passed May 1, 1852, to which Act reference is specially made.

And for the true and faithful performance of all and every of the covenants and agreements above mentioned to be done and perfomed by the party of the second part, the said party of the second part as principal, and James

M. Estill, Robert Allen, and Joseph Daniels, as sureties, do, by these presents, bind themselves jointly and severally unto the party of the first, in the penal sum of fifty thousand dollars.

Signed by James S. Graham, Ferdinand Vassault, Joseph Daniels, James M. Estill, in presence of Andrew Garr, and James F. Quin.

By order of the Board of Commissioners.

H. W. CARPENTIER,
Chairman.
JAMES S. GRAHAM,
Supt. Pub. Buildings.
JAMES MILLER,
Supt. Pub. Buildings.

FERDINAND VASSAULT,
J. M. ESTILL,
R. N. ALLEN,
JOSEPH DANIELS.

[The above endorsed "Contract for building of State Prison. Filed in office of Secretary of State, October 13, 1852."]

[Document No. 8.]

IN THE SENATE.] [SESSION OF 1853.

REPORT OF THE AGENTS

OF

CALIFORNIA RELIEF EXPEDITION.

[GEORGE KERR, STATE PRINTER.

REPORT

OF

THE AGENTS OF CALIFORNIA RELIEF EXPEDITION.

To his Excellency, John Bigler,
Governor of State of California,

Sir:—

The undersigned, appointed by you as agents to distribute, in part, the appropriation made by the last Legislature for the relief of the destitute among the Overland Immigrants of this year, beg leave to report, that according to your direction we left Sacramento City on the 25th day of June, 1852, the wagons, teams, and loading having been arranged under your own superintendence, and proceeded without delay, except such as was unavoidable from the breaking of wagons, until on the 4th of July we entered the deep snow near the summit of the Sierra Nevada; here we found great difficulty in getting the train through, but after three days of excessive labor and exposure, we succeeded without any serious accident, and arrived safe in Carson Valley on the 13th of July. The road was very rough, and we broke our wagons repeatedly, causing frequent detentions and much trouble.

At Cold Springs (above Placerville) we met the first of the immigrants (packers) on the last day of June—they were a company from Ohio; about two miles above Leak Springs the Indians made several attempts to steal our mules during the night, but were prevented by the vigilance of the watch; a little further on, (between the summits,) about the same time, two men were attacked and severely wounded by the Indians, and while we were in Carson Valley, one of the immigrants was shot with an arrow while guarding his stock.

From Carson Valley there was but little difficulty to be apprehended in conducting the train to the Desert, and, consequently, at the Mormon station the agents separated, one (Mr. Denver) returning to Sacramento City for further supplies, while the other, (Mr. Raines.) taking charge of the expedition, proceeded across the desert to Humboldt river, where he fell in with that portion of the Relief Train that went out under Capt. Bodley by way of Marysville and Beckwith's Valley. After consultation, a post was established at the Sink of the Humboldt, and left in charge of Mr. P. P. Ormsby, who attended to it faithfully the whole season. Leaving a quantity of provisions here, the trains returned across the desert. Captain Bodley, established a post on Truckee, or Salmon Trout river, and Mr. Raines establishlishing one on Carson river, when the men were immediately sent back for a new supply of provisions. In a short time it was found necessary to provide for the indigent sick, as well as to distribute provisions to those who were able to travel. For this purpose, a large arbor was erected as a hospital for their accommodation, and a physician and nurses employed. Almost every application for admission into the hospital was by persons in the last stages of disease, and they consequently required constant and unremitting attendance.

During the latter part of the month of September, Captain Bodley having resigned his position, one of the undersigned (Mr. Denver) proceeded to Truckee river, and after discharging the duties incumbent on him there, until the immigration had all passed, conducted that part of the train back over the same road they had gone out on. The other (Mr. Raines) remained on Carson river, and conducted the train in from that point.

The men and mules connected with the train were actively engaged during the whole season. The post at the sink of the Humboldt had to be supplied with water from Carson or Truckee rivers, and during the forepart of the season, one team and two men were engaged in this business from Carson river, until the wants of the immigrants became so great on this route, that it was thought necessary to employ the teams in the transportation of provisions. During the same time a team was engaged in the same business from Truckee river, and after the one from Carson river was withdrawn, two were employed from that point. The persons in charge of these teams were strictly charged to furnish water to the immigrants on the desert gratuitously, whenever they were really in want of it. This demand was frequently so great, that it was often difficult to keep up a supply sufficient at Mr. Ormsby's station.

At Carson River station, between forty and fifty sick immigrants were admitted into the Hospital, nine of whom died and were buried by our party. Before leaving there in October the graves were securely enclosed.

The property of every description belonging to the Expedition, except such as was unavoidably expended in the service, was returned to Sacramento City the latter part of October last, where the greater part of the equipments were consumed in the fire of the second day of November. Very nearly all the papers connected with the Expedition were also burned, leaving us, in consequence, but a very meagre report to present to your consideration. The names of by far the largest portion of the recipients of the disbursements at Carson's river have been lost, and we have no means

of replacing them. At that station, alone, provisions were issued to upwards of *one thousand persons* up to the 26th of August.

This was about the time the great mass of the immigration began to pass, and calls for assistance became much more frequent and pressing. And here the record is stopped short by the fire. For the manner in which distributions were made, and the names of the recipients, we respectfully refer to the book herewith submitted as a part of this report, and which also contains nearly all the names of those who were provided for in the hospital, together with a list of nearly *two hundred* immigrants who were furnished with provisions by the station at Truckee river, from the 25th of September to the 10th of October, while under the charge of Mr. Denver. You will also see by this that the sick were properly taken care of to the last, those among them who still continued sick, eight in number, having been carried across the mountains, a portion of whom were placed in the State Hospital at Sacramento city. To ascertain what benefit the wagons, mules, &c., were to the expedition, the cost of transportation should be added to the original cost of the provisions. This is from twenty to twenty-five cents per pound from Sacramento city to the Mormon station. From the Mormon station to the Relief station is full eighty miles, and thence to Ormsby's station about forty-five miles further. The supplies for the Truckee station had to be carried about the same distance as those for the Carson station. According to the rates charged to the Mormon station, no one will presume that these stations could have been supplied for less than thirty cents per pound, and Mr. Ormsby could not have been furnished at that rate.

The whole number of persons relieved by this expedition at all the posts, must have been considerably over *three thousand*, and many at a very heavy expense, owing to sickness or the necessity of furnishing them with transportation across the mountains.

The physicians who attended on the sick were employed on the faith of the State, which we thought we might venture to pledge under the circumstances, not conceiving that the appropriation had been made for any such purpose; yet the necessity was so urgent, that we knew of no better course, than to procure such attendance as was found to be necessary, referring them for payment to the Legislature. The pay of the nurses, as well as all the other expenses of the hospital, (excepting the Physicians,) was made out of the appropriation, and altogether contributed largely to swell the personal expenses of the expedition.

Respectfully submitted,

JAS. S. RAINES,
By J. W. Denver.
J. W. DENVER,
Agents C. R. E.

Document No. 9.

IN THE SENATE.] [SESSION OF 1853.

RULES AND ORDERS

OF THE

SENATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

RULES AND ORDERS

OF THE

SENATE OF THE STATE OF CALIFORNIA.

I. The President having taken the chair at the hour to which the Senate shall have adjourned, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake therein may be corrected.

II. After the reading and approval of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Motions, Resolutions, and Notices.
7. Third reading of Bills.
8. Unfinished business of the preceding day.
9. Special orders of the day.

III. Messages from the Governor, State Officers, and from the Assembly, may be considered at any time.

IV. The President shall cause the Secretary to make a list of all bills, resolutions, reports of committees and other proceedings which are committed to a committee of the whole, and which are not made the order of the day for any particular day; which list shall be called "The General Orders of the Day."

V. All questions relating to the priority of business shall be decided without debate.

VI. When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

VII. No member shall speak to another, or otherwise interrupt the business of the Senate, while the Journal or public papers are reading; and while the President is putting the question, no Senator shall walk out of or across the House, nor while a Senator is speaking, pass between him and the Chair.

VIII. The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

IX. Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished, shall sit down. No member shall speak more than twice in any one debate on the same day, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

X. When two or more members rise at once, the President shall name the member who is first to speak.

XI. No motion shall be debated until the same be seconded, and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary before the same shall be debated; but it may be withdrawn at any time before amendment.

XII. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone, to commit, or to amend,—which several motions shall have precedence in the order they stand arranged; and a motion for adjournment shall always be in order, and be decided without debate.

XIII. If the question under debate shall admit of division, any member may have it divided; and in filling blanks, the longest time and largest sum shall be put first.

XIV. A motion for commitment, until it is decided, shall preclude all amendments of the main proposition.

XV. Every bill shall be introduced by motion for leave, or by order of the Senate, on the report of a committee; and one day's notice, at least, shall be given of an intended motion for leave to bring in a bill, unless the Senate unanimously consent.

XVI. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first,

second, or third,—which reading shall be on different days, unless the Senate unanimously direct otherwise. No bill shall be amended or committed until twice read.

XVII. When the ayes and nays shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall (unless for special reasons he be excused) declare openly and without debate his assent or dissent to the question. In taking the ayes and nays, and upon the call of the Senate, the names of the members shall be taken alphabetically.

XVIII. All committees of the Senate, and all joint committees on the part thereof, for the present session, shall be appointed by the President. All standing committees may, if they choose, select their own chairman.

XIX. In forming a committee of the whole Senate, a chairman, to be named by the President, shall preside. Bills committed to a committee of the whole Senate, shall, in committee of the whole, be read by sections. All amendments shall be noted, and reported to the Senate by the chairman.

XX. The rules of the Senate shall be observed in committee of the whole, so far as may be applicable, except limiting the number of times of speaking, and except that the number of ayes and nays shall not be taken.

XXI. A motion that the committee rise, shall always be in order, and shall be decided without debate.

XXII. No amendment shall be received at the third reading of any bill or resolution unless by unanimous consent; but it shall at all times be in order, before the final passage of any bill or resolution, to move its commitment or recommitment.

XXIII. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member; and if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

XXIV. No member shall absent himself from the service of the Senate without leave first obtained; and in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and, in that case, the expense shall be paid out of the contingent fund; and this rule shall apply as well to the first convention of the Senate, at the legal

time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

XXV. When a question has been once put and decided, it shall be in order, for any member voting in the majority, to move for the reconsideration thereof; but no motion for the consideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate, announcing its decisions; nor shall any motion for reconsideration be in order unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

XXVI. The following Standing Committees shall be appointed:

1. Committee on Claims, to consist of three members.
2. " Finance, to consist of five members.
3. " the Judiciary, to consist of nine members.
4. " Elections, to consist of three members.
5. " Public Lands, to consist of five members.
6. " Commerce and Navigation, to consist of five members.
7. " Federal Relations, to consist of three members.
8. " State Hospitals, to consist of five members.
9. " Mines and Mining Interests, to consist of seven members.
10. " Indian Affairs, to consist of five members.
11. " State Prisons and Public Buildings, to consist of five members.
12. " Education and State Library, to consist of three members.
13. " Counties and County Boundaries, to consist of three members.
14. " Corporations, to consist of three members.
15. " Agriculture, Mission and Mission Lands, to consist of five members.
16. " Public Printing, to consist of three members.
17. " Roads and Highways, to consist of three members.
18. " Contingent Expenses of the Senate, to consist of three members.
19. " Military Affairs, to consist of three members.
20. " Public Expenditures, to consist of five members.
21. " Engrossed Bills, to consist of four members.
22. " Enrolled Bills, to consist of four members.

XXVII. When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

XXVIII. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of any member, require secrecy, the President shall require all persons, except the members and Secretaries of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain shut, and every member and officer of the Senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the Senate.

XXIX. The Committee on Engrossed Bills shall examine all bills, amendments and resolutions before they go out of the possession of the Senate, and make report when they find them correctly engrossed. Reports from the Committee on Engrossed Bills shall at all times be in order.

XXX. When a resolution shall be offered on a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz:

1. The committee of the whole Senate.
2. A standing committee.
3. A select committee.

XXXI. In all cases not provided for by these rules, the parliamentary practice as laid down in Jefferson's Manual, and the rules of the Senate of the United States, is hereby adopted.

XXXII. The hour of meeting of the Senate shall be 11, A. M., of each day, (Sundays excepted;) and in case any other is named, it shall be applicable only to the one day, and shall not affect this rule beyond the day named for a different hour of meeting.

XXXIII. The rooms, passages and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, and all papers, bills, &c., of the Senate; also shall see that all officers of the Senate perform their respective duties, and shall also appoint the necessary Pages and Laborers of the Senate.

XXXIV. When any member is absent without the bar of the Senate, or of the Senate room, when his name is called on the call of ayes and nays, on any vote about to be taken, his vote shall not be taken unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who was absent, or without the bar of the Senate without leave.

XXXV. No suspension of the rules shall be made without the concurrence of two-thirds of all the members present. Nor shall any additional rule, or any amendment of a rule, without one day's notice, and the concurrence of two-thirds of the members present.

XXXVI. The unfinished business in which the Senate was engaged at

the last preceding adjournment, shall have the preference in the special orders of the day.

XXXVII. When the ayes and nays shall be taken upon any question in pursuance of the above rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

XXXVIII. All bills reported by a committee, or by leave, shall, after the first reading, be printed for the use of the Senate; but no other paper or document shall be printed for the use of the Senate without special orders.

XXXIX. All bills on a second reading shall first be considered by the Senate in the same manner as if the Senate were in committee of the whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

XL. The final question, upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill or resolution, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in committee of the whole, and then the aforesaid question shall be again put.

XLI. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

XLII. The proceedings of the Senate, when not acting as in committee of the whole, shall be entered on the Journal as concisely as possible—care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall also be inserted in the Journal.

XLIII. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

XLIV. Places may be assigned to Reporters by the President.

XLV. In case of any disturbance or disorderly conduct in the lobbies, the President (or chairman of the committee of the whole Senate) shall have power to order the same to be cleared.

XLVI. The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but, after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XLVII. On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XLVIII. A President *pro tempore* shall be elected, whose powers shall be co-extensive with the President; and shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meeting of the Senate.

XLIX. When the Senate is equally divided, the Secretary shall, in conformity to the Constitution, take the vote of the President.

STANDING COMMITTEES OF THE SENATE.

On Claims—Lott, Catlin and McKibben.

On Finance—Hubbs, Sprague, Estill, Foster and Ralston.

On the Judiciary—Ralston, Sprague, Denver, Hager, Lott, Crabb, Coffroth, Smith and Hubbs.

On Elections—Crabb, Snyder and Hudspeth.

On Public Lands—Estill, Snyder, Lyons, Kurtz and Coffroth.

On Commerce and Navigation—Roach, Denver, Walton, Catlin and Hager.

On Public Expenditures—Denver, Lyons, Keene, Roach and Foster.

On Federal Relations—Coffroth, Baird and Keene.

On State Hospitals—Keene, Lind, Foster, Snyder and Hudspeth.

On Mines and Mining Interests—Walton, McKibben, Lind, Catlin, Lyons, Walkup and Coffroth.

On Indian Affairs—Sprague, De la Guerra, Wade, Foster and Kurtz.

On State Prison and Public Buildings—Snyder, Kurtz, Roach, Lyons and De la Guerra.

On Education and State Library—McKibben, Crabb and Hager.

On Counties and County Boundaries—Smith, Denver and Lott.

On Corporations—Hager, Estill, Ralston, Keene and Hubbs.

On Missions and Mission Lands—De la Guerra, Foster, Gruwell, Hudspeth and Roach.

On Public Printing—Foster, Wade and Walkup.

On Roads and Highways—Walkup, Crabb and Wombough.

On Contingent Expenses—Hudspeth, Gruwell and Hubbs.

On Military Affairs—Denver, Wade and Estill.

On Engrossed Bills—Lyons, Crabb, Smith and Lott.

On Enrolled Bills—Lind, Walton, McKibben and Roach.

JOINT RULES AND ORDERS

OF THE

SENATE AND ASSEMBLY,

ADOPTED AT THEIR

FOURTH SESSION, HELD AT THE CITY OF VALLEJO, JANUARY, 1853.

I. In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet in their conference chamber, and state to each other verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Door-Keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

VI. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VII. When bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VIII. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

IX. After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State for his approbation, (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate,) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

X. All orders, resolutions and votes which are to be presented to the Governor of the State for his approbation, shall also in the same manner be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

XI. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his Audience Chamber by the President of the Senate, in the presence of the Speaker and both Houses.

XII. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

XIII. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIV. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

XV. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

XVI. No bill or resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approbation on the last day of the session.

XVII. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

XVIII. No spirituous liquors shall be offered for sale, or exhibited within the Capitol, or on public grounds adjacent thereto.

[Document No. 10.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON MILEAGE.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON MILEAGE.

MR. PRESIDENT:

The Committee on Mileage, to whom was recommitted their report of 11th instant, report the following amended report as the number of miles, "by nearest mail route, from the residence of Senators to the place where the session of the Legislature is held and the return therefrom," to be the basis of settlement with the Comptroller of State, and ask to be discharged from the further consideration:

	MILES.		MILES.
Mr. Baird,	104	Mr. Lind,	380
" Catlin,	274	" Lott,	500
" Crabb,	250	" Lyons,	450
" Coffroth,	410	" McKibben,	500
" Denver,	930	" Ralston,	220
" De la Guerra,	946	" Roach,	398
" Estill,	50	" Smith,	340
" Foster,	1186	" Snyder,	104
" Gruwell,	224	" Sprague,	790
" Hager,	104	" Wade,	450
" Hubbs,	360	" Walkup,	300
" Hudspeth,	130	" Walton,	320
" Keene,	320	" Wombough,	352
" Kurtz,	1426	" President,	250

The report was adopted.

[Document No. 11.]

IN THE SENATE.] [SESSION OF 1853.

MINORITY REPORT

OF THE

JUDICIARY COMMITTEE.

[GEORGE KERR, STATE PRINTER.

MINORITY REPORT

OF THE

JUDICIARY COMMITTEE.

A minority of the Committee on the Judiciary, to whom was referred the Joint Resolution to grant Hugh C. Murray, one of the Justices of the Supreme Court, leave of absence from the State, beg leave to submit the following report:

By the Constitution, the powers of Government are divided into separate departments—Legislative, Executive, and Judicial. Each department is distinct and independent of the other, except where the Constitution has otherwise provided. The members and officers of each department have a common origin—*the will of the people*, expressed at the ballot box, or otherwise, as provided for in the Constitution. Each has separate duties and functions prescribed in the Constitution for its government. They are sworn to support the Constitution, and to perform the duties prescribed by law. No order of one department can be made releasing another, or any of its constitutional members, from the performance of their duties under the Laws and the Constitution. The Supreme Court consists of three Judges elected by the people. If you relieve one of them, for a time, from the performance of his duties, as prescribed in the Laws and Constitution, you may relieve him for time without limit. If one of the three may be relieved by parity of reason, the other two may, if they desire, be also relieved; and reasons equally cogent may exist, urging their discharge, and equal justice to *all* would require it to be granted.

Thus one department of government, created as a check upon the others, is wholly overthrown. By a decision of that court, it has been held that the Act to authorize the Governor to supply, by appointment, a vacancy occasioned by a temporary absence of a Judge, was unconstitutional. This

decision, we believe, is a correct illustration of the Constitution. The Legislative and Executive departments of Government cannot change a Judicial officer elected under the Constitution, for one of their own choosing, even by the consent of that officer. Were not this the case, the Judiciary would cease to be independent, and its officers would become subservient to the purposes of the other departments. If we would preserve liberty and justice, we must preserve all the separate and independent checks and balances of government provided for in the Constitution, in their greatest vigor.

A different policy has to some extent been most unfortunately pursued in the State; hence the want of uniformity in the decisions of the Supreme Court, and the irregularity in the administration of justice in some parts of the State. These have grown so great in some places, we believe, as to produce in the minds of the people a spirit of insubordination, and a disregard of the laws themselves. It has also caused the humiliating spectacle, derogatory to the dignity and purity of the ermine, of men filling the highest judicial stations known to our laws, humbly begging the legislator for leave, in their own language, to go home, or to visit the Atlantic States. If these practices be persisted in, our Judiciary, instead of being pure, elevated, and independent, a terror to evil doers, the guardian of innocence, will become the constant and humble suppliant for personal favors to its members. Questions of great magnitude, vitally affecting the permanent prosperity and happiness of the people, are constantly arising, and being brought before the Supreme Court, the long delay in deciding them will, in many cases, be most injudicious to the State. It is, therefore, not consistent with the interest of the State, or good policy, to permit any of the judges to leave.

Applications of a like character, it is expected, will be very numerous during the present session. If all who apply should obtain leave of absence, the Judiciary would lose much of its efficiency, and the people might again be encouraged to revert to Committee of Vigilance and to Lynch law for their own protection. We deprecate such result. We know of no Judge whose personal merits and past attention to public business give stronger claims to our favor than the present applicant. But believing, as some of us do, that the Legislature does not possess the power to grant the request, or that if we do possess the power, it is inexpedient to exercise it, and that the example and influence of such acts are of pernicious tendencies, we are reluctantly constrained to recommend *the rejection of the resolution*.

J. H. RALSTON,
PAUL K. HUBBS.

[Document No. 12.]

IN THE SENATE.] SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON MILEAGE.

AMENDED.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON MILEAGE.

MR. PRESIDENT:

The Committee on Mileage report the following as the number of miles, by nearest mail route, from the residence of Senators to the place where the session of the Legislature is held and returning therefrom:

		MILES.			MILES.
Messrs.	Baird,	104	Messrs.	Lind,	524
"	Catlin,	274	"	Lott,	500
"	Crabb,	424	"	Lyons,	450
"	Coffroth,	558	"	McKibben,	500
"	Denver,	930	"	Ralston,	220
"	De la Guerra,	838	"	Roach,	398
"	Estill,	50	"	Smith,	340
"	Foster,	1060	"	Snyder,	104
"	Gruwell,	224	"	Sprague,	790
"	Hager,	104	"	Wade,	624
"	Hubbs,	488	"	Walkup,	300
"	Hudspeth,	130	"	Walton,	320
"	Keene,	320	"	Wombough,	352
"	Kurtz,	1532	"	President,	250

[Old Law.]

Document No. 13.

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

REPORT OF

COMMITTEE ON CLAIMS.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the memorial of Robert E. Woods, former County Judge of Klamath county, praying that some compensation might be allowed him for the time he occupied said position, and that the same be paid out of the State Treasury, &c., having had the subject under consideration, report—

First. That by Section fifteen, Article VI., of the Constitution, County Judges shall receive, at stated times, for their services, a compensation, to be paid out of the County Treasury of their respective counties, &c.

Second. That the Act of May 28th, 1851, providing for the organization of Nevada, Placer, Trinity and Klamath counties, and the Election of County Officers, does not specify the salary of the new Judges elected by virtue of said Act.

Third. That there is no general law by which the County Judges of any of the new counties can draw any salary.

Fourth. The amount of salary prayed for in the memorial is too great in proportion to the salaries of like officers in the adjoining counties. Trinity county pays its County Judge $1,500 per annum; and your committee see no good reason why that it should not be fixed at the same in Klamath.

Fifth. That an Act to provide for said salary, as well as to fix the compensation of all new County Judges, can be passed without wrongfully affecting any person, as the Legislature has the power to regulate the municipal officers of the several counties and fix the salaries of their respective officers.

Therefore, your committee report the accompanying bill, to grant such relief as they have deemed proper in the premises, and to regulate such matters for the future.

All of which is respectfully submitted.

CHARLES F. LOTT, Chairman.

[Document No. 14.]

IN THE SENATE.] SESSION OF 1853.

GOVERNOR'S MESSAGE;

AND REPORT OF THE

SECRETARY OF STATE

ON THE

CENSUS OF 1852,

OF THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

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GOVERNOR'S MESSAGE, &c.

EXECUTIVE DEPARTMENT,
City of Vallejo, Jan. 26, 1853.

To the Senate and Assembly of California:

I transmit herewith the explanatory reports of the Secretary of State, together with a printed Abstract of the Census returns, to both of which your attention is respectfully invited, because of the interesting and intrinsically useful information they embody.

The great difficulty encountered heretofore in the practicable management of the business of the State, is found to be the want of sufficient information respecting its resources, present and prospective, an insight into which is afforded, to some extent, by the exhibits herewith submitted.

The rapid increase of our population—the manifest improvement in our agricultural, as well as all other pursuits, afford a sure indication of permanent and future prosperity; which cannot be defeated except by the most positive mismanagement. In the brief period of two years, the population of the State has increased thirty per cent. annually. This rate of increase will, of course, diminish, but we may reasonably calculate that in ten years we will have, at least, quadrupled our present population, when it is considered that the commerce, agricultural, mechanic arts, manufactures, &c. of the State, in all of which we possess the germs of immense resources, will advance in ratable proportion with our increase of population. It cannot be for a moment doubted, that the future standing and influence of this, compared with the other States of the Union must be that of distinguished prominence.

The accompanying Abstracts and Reports have been made necessarily less general and full, than the reports of the census agents on file in the office of Secretary of State; and much valuable information is contained in them, which could not consistently be classified and embraced in these documents. From an examination of them, however, they seem to contain all that will be found requisite to direct legislative action on any of the topics of public interest presented by the census return.

JOHN BIGLER.

seven hundred and seventeen, and an increase of thirty per cent. per annum; of the increase per cent. per annum, the United States, according to the late census, was three and a half- -showing a difference of increase between the State of California and the other States of the Union of twenty-six and a half per cent. per annum. Taking, however, the estimated and more probable census of the State, namely, three hundred and eight thousand and five hundred and seven, and it gives an annual positive increase of seventy-one thousand seven hundred and fifty-three, an increase of forty-three per cent. per annum, and a difference of increase per cent. between California and other States of thirty-nine and a half.

This population is composed as follows:

White inhabitants, male,	151,115
Do. do. female,	29,741
Citizens U. S. over 21 years of age,	93,344
Negroes, male,	1,637
Do. female,	253
Do. over 21 years of age,	1,259
Mulattoes, male,	424
Do. female,	98
Do. over 21 years of age,	407
Indians, (domesticated), male,	19,675
Do. do female,	12,864
Do. over 21 years of age,	15,866
Foreign residents, male,	50,631
Do. do. female,	4,360
Do. over 21 years of age,	39,444

TOTAL.

Whites,	171,856
Citizens over 21 years of age,	93,344
Negroes,	1,870
Mulattoes,	522
Indians, (domesticated),	32,539
Foreign residents,	54,991

In this estimate the county of El Dorado is not included, which will probably add to the whites 30,000; to the citizens of the U. S. over 21 years of age 12,000; to the negroes 200; to the mulattoes 50; to the Indians 10,00; and to the foreign residents 5,000—making a final total of

Whites,	201,856
Citizens over 21 years of age,	105,344

Negroes,	2,070
Mulattoes,	572
Indians, (domesticated),	33,539
Foreign residents,	59,991

The counties of Nevada, Placer, and Yuba, have reported nine thousand eight hundred and nine Chinese. The other counties have embraced them without discrimination under the general head of foreign residents, the number of Chinese is believed to approximate twenty-five thousand.

PRODUCTIONS AND CAPITAL.

Under this head, I regret to state, that not only the county of El Dorado, entire, but that of Calaveras, also, in part, two of the most wealthy and productive of the State, have to be omitted, not having as yet been returned.

A few of the counties have reported on the subjects of horticulture, manufactures, milling, farming, and farming utensils, separately, whilst the others have combined them under the general head of "capital employed for other purposes."

The following items are not included under the general head above mentioned :—

Capital employed in stock, farming and gardening,	$1,857,502 00
Do. in fruits and orchards,	366,910 00
Do. improvements and real estate,	6,348,346 00
Do. in farming utensils,	125,940 00
Do. in milling,	240,850 00
Making the total capital employed for purposes other than those specified under general heads. See Recapitulation,	$49,800,981 00
Estimate of El Dorado and Calaveras counties,	10,000,000 00
Making,	$59,800,981 00

The articles of sheep, hogs, and poultry, although not specifically required by law, have been reported upon from twenty counties and are as follows :

			Value.
No. Sheep,	82,867 *a*	$12,	$994,404 00
No. Hogs,	38,976 *a*	10,	389,760 00
No. Poultry,	96,230 *a*	2,	192,460 00
			$1,576,624 00

For the number of horses, mules, cows, beef cattle, work oxen, bushels of barley, oats, wheat, potatoes, corn, acres of land in cultivation, quartz mills, capital invested in quartz mining, capital invested in Placer mining, capital

invested in other mining, and capital employed for other purposes, reference is made to the "Recapitulation," at the close of the compilation heretofore submitted, and to the different counties respectively presented therein.

The following is the estimated value of the live stock and agricultural products. These prices are given at an average much below the market value :—

Horses,	*a* $30,	. . .	$1,943,190 00
Mules,	*a* 50,	. . .	828,900 00
Cows,	*a* 50,	. . .	5,216,950 00
Beef cattle,	*a* 25,	. . .	7,884,800 00
Work oxen,	*a* 50,	. . .	1,453,250 00
			$17,327,090 00
Barley,	*a* $1 40 per bushel,	. .	$3,163,227 00
Oats,	*a* 1 00 "	. .	100,497 00
Wheat,	*a* 2 40 "	. .	652,231 00
Potatoes,	*a* 1 50 "	. .	2,089,755 00
Corn,	*a* 2 50 "	. .	156,330 00
			$6,162,040 00
Land in cultivation, *a* $10 per acre,		.	$1,107,480 00

The counties of Sonoma, Santa Cruz, Santa Clara, Sacramento, Napa, Mendocino, Los Angeles, and Contra Costa, have reported 5,553,655 pounds onions, valued at - - $186,000

The counties of Yolo, Sierra, Santa Barbara, Santa Cruz, Santa Clara. and Monterey have reported 2,359,250 cabbages, valued at - - - - - - 60,777

The counties of Sonoma, Santa Barbara, Santa Clara, and Monterey have reported 30,271 bushels of beans valued at - 72,492

The county of Santa Barbara has reported 1,370 barrels olives, valued at - - - - - - 27,400

The counties of Santa Barbara and Santa Clara have reported 26,811 grape vines, valued at - - - - $26,811

The counties of Yolo, Sonoma, Sierra, Sacramento and Mendocino have reported 490,990 pounds of turnip, valued at 14,927

The county of Sacramento has reported 1,039,800 pounds tomatoes, valued at - - - - - 32,408

The counties of Santa Clara and Sacramento have reported 1,107,500 pounds carrots, valued at - - - 33,225

The county of Sacramento has reported 358 acres of melons, valued at - - - - - - - 17,900

The county of Sacramento has reported 460,000 pumpkins, valued at - - - - - - 46,000

The county of Santa Clara has reported 508,000 bricks, valued at - - - - - - - 10,160

The county of Marin has reported 1,500,000 bricks per month, valued at (per annum) - - - - 360,000

The counties of Santa Barbara and Los Angeles have reported 73,462 gallons wine, value - - - -	$146,924
And 73,056 gallons brandy, - - - -	109,584
The counties of Santa Cruz and Nevada have reported capital invested in manufactures, - - - -	6,300

Showing total capital and productions of the State as follows:

Total capital employed for purposes other than those specified under general heads, including estimates for El Dorado and Calaveras, - - - - - -	$59,800,000
Live stock, - - - - - -	18,903,714
Agricultural products, - - - - -	6,162,040
Land in cultivation, - - - - -	1,107,480
Estimate for El Dorado and Calaveras, - - -	5,000,000
Horticulture, manufactures, &c., - - - -	1,150,000
Quartz mining, - - - - - -	5,871,405
Placer " - - - - - -	4,174,419
Other " - - - - - -	3,851,623
Estimate for El Dorado mining, - - - -	2,500,000
	$108,522,568

In the above estimate it will be observed that the value of no land except that in actual cultivation is included.

With these facts now before us, it may not be uninteresting or devoid of utility to take a comparative view of our position in reference to the other States of the Union.

Horses.

In these we are in advance of fifteen of the States.

Mules.

In these we are in advance of twenty-six of the States.

Milch Cows.

In these we are in advance of twelve of the States.

Work Oxen.

In these we are in advance of eight of the States.

Sheep.

In these, although having returns from only twenty counties, we are in advance of four States.

Swine.

In these, although only twenty counties have reported, we are in advance of three States.

Value of Live Stock.

In this we surpass twenty-two of the States.

Barley.

In this we are only equalled by one State, New York. We raise more than one half as much of this article, as is produced in the whole Union besides.

Potatoes.

In this again, we stand next to N. York, and raise one fifth the quantity produced by the balance of the Union.

Wheat.

In this we surpass ten of the States.

Oats.

In this we cultivate more than three-fourths of our sister States.

Indian Corn.

We produce less of this than any State of the Union.

Beans.

In this we surpass nine of the States, notwithstanding only five counties have reported the quantity produced.

Hay.

In this, though not returned from more than one half the counties, we exceed nine of the States.

Mining.

In this branch of industry we stand not only without a parallel, but without a competitor.

Agriculture.

This important branch has been comparatively but little attended to in this State, and consequently in the value of cultivated land we are surpassed by all the States of the Union. The fact, however, that we excel most of them in the productions of the soil, shows the fertility and productiveness of our lands in a most favorable light.

Trade

Yolo, Trinity, Sutter, Santa Cruz, San Diego, Sacramento, and Nevada Counties have reported merchandize to the amount of $4,000,000. The remainder of the counties have included this item, with others, under the general head of "Capital" employed for other purposes, in these, too, we surpass more than one half the States.

Fruits.

In these, we excel all the States in variety, and one half in quantity produced.

Minerals.

The many interesting geological developments made by the census, place our State far in advance of all her sisters in the variety and importance of these great hand-maids of science and civilization.

Many matters of interest are touched upon in the reports of the different Agents, which, on account of their isolated character, could not be arranged under general heads, and classified. I have, therefore, endeavored to supply this defect by reference to them in this manner. It is needless to say, the estimates submitted in this report are not claimed to be entirely accurate, but sufficiently so for practicable purposes. They will be found, I think, to present no exaggerated representation of our resources.

All of which is respectfully submitted.

W. VAN VOORHIES,
Secretary of State.

ABSTRACT

OF THE

CENSUS OF 1852,

OF THE

STATE OF CALIFORNIA.

BUTTE COUNTY.

Population	8,572
Whites, male,	6,174
do. female,	206
Citizens of the U. S. over 21 years of age,	3,742
Negroes, male,	14
do. female,	—
do. over 21 years of age,	14
Mulattoes, male,	4
do. female,	1
do. over 21 years of age,	4
Indians, (domesticated) male,	15
" " female,	15
" " over 21 years of age,	10
Foreign residents, male,	2,118
" " female,	25
" " over 21 years of age,	2,031

Productions and Capital.

Number of Horses,	1,560
" Mules,	736
" Cows,	441
" Beef cattle,	4,536
" Work Oxen,	898
" Sheep,	498
" Hogs,	614
" Chickens,	990

Bushels Barley,	32,940
" Oats,	315
" Wheat,	3,355
" Potatoes,	3,000
Acres of land in cultivation,	2,144
Quartz Mills,	15
Capital employed in quartz mining,	$340.764
Capital employed in Placer mining,	22,350
Capital in other mining,	55,650
Capital for other purposes,	380,150

Mills.

Steam saw mills,	3
Water saw mills,	11

Extent 100 miles N. and S. by 250E. and W.

Minerals.—Platina and iron abound in all the mining districts, but not in sufficient quantities to justify machinery. Lead in a pure state on head waters of Middle Fork. Quicksilver in abundance. Silver in small quantities.

Springs.—No hot or mineral.

Towns.—A town or mining point within every three miles throughout the county.

Mill Sites.—Many fine mill sites.

Timber.—Majestic pines and cedars in the mountains. Lumber business good.

Mining.—Quartz generally, paying a good per centage.

Mountains.—Butte mountains, from which the county takes its name, situated on the Sacramento river. Table, situated near Feather river, very peculiar, reminding one of some ancient castle with its high walls and frowning battlements. Mount Hood, situated in the northern part of the county, the most attractive, towering far above its surrounding brothers, and presenting an apex covered with perpetual snow; seen at an immense distance.

Valleys.—Many beautiful and fertile valleys fitted for agriculture and stock raising; timbered and covered with the finest grass; water abundant and irrigation easy.

Scenery.—Picturesque and grand.

CALAVERAS COUNTY.

Population,	20,192
Whites, male,	17,059
" female,	973
Citizens of United States over 21 years of age,	6,287
Negroes, male,	117
" female,	14

Mulattoes, male,	37
" female,	1
Indians, male,	1,466
" female,	516
Foreign residents, male,	10,340
do do female,	395

Capital Employed.

In Butchering,	$3,800
Bakeries,	5,500
Stages,	700
Saw Mills,	60,000
Farming.	10,150
Blacksmithing,	18,000
Trading,	1,032,245
Produce,	45,800
Quartz Mining,	472,055
Placer do	38,260
Other do	93,988
Teaming,	3,800
Hotels and Restaurants,	76,100
Capital of the Moquelumne Hill Canal and Mining Company,	175,000
Capital invested in Iron Foundry,	5,000
do do Ferries,	1,000

TOWNS.—*Moquelumne Hill.*—The most important, situated 1½ miles south of Moquelumne river; a large trade done.

Murphy's Camp.—Situated 13 miles north of Stanislaus river; built up and sustained by miners who are numerous in its vicinity.

Vallecito.—Situated 8 miles south of Murphy's Camp; mines in the neighborhood worked more advantageously in summer than winter; average wages six dollars per day.

Angel's Camp.—Situated on main road to Sonora, 7 miles from Stanislaus river; a very prosperous mining camp; water for mining, scarce.

San Andreas.—Situated between the north and south branches of Calaveras river; fine for winter mining; surrounding ravines and flats, rich in gold; average wages, eight dollars per day.

Jackson.—Situation in northern part of county, about three miles north of Moquelumne river; supported principally by miners.

Dry Town.—Situated on southern bank of Dry Creek; fine for winter mining.

Volcano.—Situated at head waters of Jackson Creek, in easternmost part of the county.

RIVERS.—*Stanislaus.*—Southern boundary line.

Moquelumne.—Equi-distant from the southern and northern limits of the county.

Calaveras.—Eight miles south of Moquelumne; all take their rise in the Sierra Nevada and empty into the San Joaquin.

COLUSI COUNTY.

No. of Inhabitants,	620
White, male,	400
do female,	63
Negroes,	5
Mulattoes,	3
Domesticated Indians,	66
Foreign residents,	21

Horses, Cattle, &c.

Horses,	1,317
Mules,	249
Cows,	288
Beef Cattle,	5,120
Oxen,	229
Hogs,	517
Sheep,	550

Agriculture.

Bushels of Barley,	33,185
do Oats,	890
do Corn,	206
do Wheat,	2,295
do Potatoes,	125
Tons of Hay,	3,370

Land.

Acres in cultivation,	1,962
Capital otherwise employed,	$292,702

Mining.—Though not a mining county, gold has been found within its limits.

Mineral Springs.—None.

Rivers and Creeks.—Red Bank Creek, Elder Creek, Tombes' Creek, Stone Creek and Sycamore Slough.

Towns.—Colusi, Tehama and Monroeville the county seat.

CONTRA COSTA COUNTY.

Population,	2,745
Whites, male,	1,937
do female,	550
Citizens U. S. over 21 years,	946
Negroes, male,	2
" female,	—
" over 21,	2
Mulattoes, male,	17
" female,	2
" over 21,	—
Indians, domesticated, male,	156
" " female,	122
Foreign residents, male,	669
" " female,	115
" " over 21,	627

Productions and Capital.

Number of Horses,	3,984
" Mules,	183
" Cows,	1,789
" Beef Cattle,	38,451
" Work Oxen,	1,127
" Hogs,	1,898
" Sheep,	3,704
" Poultry,	9,274
Bushels Barley,	288,180
do Oats,	4,085
do Corn,	8,865
do Wheat,	17,060
do Potatoes,	85,190
Acres of land in cultivation,	9,093
Tons Hay,	512
Onions, lbs. of,	180,100
Cheese "	5,000
Butter "	700
Milk, gallons,	4,400
Eggs, doz.,	1,000
Fire wood, cords,	710
Rails, No. of,	50,000

Description.—There is found Limestone of excellent quality. Gypsum is found in one place. Excellent building stone, and red freestone has been discovered; Sulphur Springs abundant, mostly tepid; Saline springs exist.

Streams.—Small and generally dry in the summer. Many springs and plenty of water for cattle except on the San Joaquin Plains.

Names of Principal Streams.—San Ramon, Jugerto, Nueces, Hambre, Puiole, San Pablo, San Leandro, San Lorenzo, Alameda, Lasseyreo, La La Guna.

Towns and Villages.—Martinez, seat of justice; Oakland and Squatterville.

Bays.—San Francisco, San Pablo and Pinale.

Straits.—Carquinez.

Communication good from all parts of the county.

KLAMATH COUNTY.

Population,	530
Males,	448
Females,	9
Citizens, U. S., over 21 years of age,	374
Male Negroes,	8
" " over 21,	7
" Mulattoes,	2
" " over 21,	2
" Foreign residents,	55
Female " "	1
" " over 21,	43

Horses, Cattle, &c.

Horses,	89
Mules,	406
Cows,	17
Beef Cattle,	38
Work Oxen,	14

Agriculture.

Bushels of Barley,	380
do Oats,	100
do Potatoes,	1732
do other Produce, value	$500

Land.

Under cultivation,	109 acres.

Strip of Land on the coast, 5 miles wide, 20 long, unsurpassed for agricultural purposes, intersected by streams.

Capital.

Employed in Quartz mining,	$9,265
" " Placer mining,	26,804
Number of miners at work on Klamath River, the second largest river in the State, about	100
Average per day, per man,	$6

Valleys.—"Trinity Valley"—finely agricultural, a portion of which set apart as an Indian reservation.

Rivers. — Klamath, Trinity and Salmon rivers, all abound in gold. About 250 miners at work on them; averaging $7 per day.

Mountains.—"Salmon Mountain" between Salmon and Klamath rivers, covered with snow nine months in the year.

"Mt. Prospect," on the Klamath river, 5000 feet above the level of the sea, covered with snow eight months in the year.

Timber.—Red Wood, Pine, Fir, and several other kinds. Redwood, in some cases, measures 21 feet in diameter.

LOS ANGELES COUNTY.

Population,	7831
Whites, male,	2494
do female,	1597
Citizens U. S, over 21 years of age,	1173
Negroes, male,	23
do female	11
do over 21	36
Mulattoes, male	6
do female	5
do over 21	5
Indians, (domesticated,) male	2778
" " female	1415
" over 21	1864
Foreign residents, male	236
" " female	59
" " over 21	245

Productions and Capital.

Number Horses	12,173
do Mules	1,093
do Cows	48,424
do Beef Cattle	65,051
do Work Oxen	1,608

Bushels Barley,	12,120
do Corn,	6934
do Wheat,	34,230
do Potatoes	3065

Land.

Acres in cultivation	5587

Mining.

Capital employed in Quartz	$8100
do do Placer	1000
do do Trading	194,000
Capital invested in Real Estate	1,147,596
Sheep, value	50,000
Hogs do	500
Chickens	20,000
Goats, (principally wild on Catalina Island,)	7000
Onions, tons	500

Vineyards.

105, (all in the city of Los Angeles, except 20,) containing vines to the number of 450,000. Each vine produces 5 lbs. grapes.

2,250,000 lbs. grapes—1,000,000 lbs. shipped to San Francisco—residue manufactured into brandy and wine.

Brandy—2000 bbls annually.

Wine—2000 bbls "

Price of Beef Cattle $20 per head.

Gold, Silver and other metals (probably).

A vein of Quartz bearing gold, 200 miles from Los Angeles.

Placer gold found.

Limestone and building rock found in abundance.

Salt.—Number of springs in this county, supplying abundance.

Hot Springs on San Bernardino Ranch, owned by Mormons.

Pitch, or Asphaltum—A spring, six miles from Los Angeles, (called by the natives, "Brea,") covering about two acres of ground. Pitch boils up in great abundance, and is used for covering roofs of houses.

Agriculture.

Great facilities for ; not much attended to heretofore.

Mission lands, principally cultivated under management of Catholic Priests. Lands, rich, and fine for grazing.

Hemp—Formerly raised, and shipped to San Blas, Mexico.

Tobacco—Formerly raised for domestic use. Neither hemp nor tobacco, now grown.
Cotton succeeds well.
Sugar-cane grows well.

Fruit.

Oranges, Limes, Figs, Apricots, Olives, Peaches, Pears, Apples, and almost all tropical fruits in abundance, and of best quality.
Orchards—many and fine.

Descriptive.

"*Monte.*"—A large extent of bottom land, within a few miles of the Mission "San Gabriel," well watered and timbered, and capable of producing every variety of vegetables.

San Bernardino Valley—60 miles east from Los Angeles city; rich, well watered and timbered; occupied by the Mormons.

Mountains.—"San Bernardino" rears its lofty peaks to the skies. At its base a rich and beautiful valley.

"San Gorgonio"—20 miles S. E. of the latter; boundary between this county and the Desert.

Rivers.—"Santa Ana," "San Gabriel," "Rio de Los Angeles" and tributaries.

Climate—Remarkably salubrious and genial.

Nearly all the lands covered by Spanish grants. Soon as titles settled, no difficulty in getting them low.

Ports.—"San Pedro"—Anchorage good, and perfectly safe, except during the prevalence of the S. E. winds in the winter.

MARIN COUNTY.

Population	1036
Whites	813
Negroes	5
Mulattoes	—
Domesticated Indians	218
White males	652
do females	160
Foreign residents	99
White males of foreign residents	85
do females do do	8
Citizens U. S. over 21.	350

Agriculture.

One half the land susceptible of cultivation. The other half, fine for grazing.

Staples.—Potatoes, Barley and wild hay. Wheat, oats, and Indian corn thrive.

Horticulture.—Garden vegetables, and produced in abundance, with little labor.

Yams flourish.

Fruit.—Grapes of various kinds, of excellent quality. Peaches, pears, apples, cherries, quinces and apricots flourish.

Land.

Acres in cultivation,	1250
No. of Beef cattle	8700
do. Cows	1200
do. Work oxen	219
do. Horses	2500

Manufactures.

Amount of capital employed,	$250,000
Bricks, capital employed in making,	100,000
Lumber, capital employed in,	150,000

Mills.---Four large steam saw mills, cutting nine millions feet of lumber per annum.

Timber.

Red-wood in great abundance.
Pine, Maple, Bay, (or Laurel) and Oak.

Fisheries.

Seal, salmon, trout, sturgeon, bass, and various other kinds.

Game.

Deer, elk, antelope, bear, hare and rabbit, geese, ducks, snipe, quail, plover and curlew.

Creeks.

Corta Madera, debouching into San Pablo and S. F. bays.
Mission do do do do.
Petaluma do do do do.
Novita do do do do.
American, emptying into Pacific ocean.
San Antonio, do do.
San Geronimo, do do. (noted for its Salmon fisheries.)
Bays.—"San Francisco Bay."—San Pablo, "Tomales," with eighteen feet water on the bar. "Sir Francis Drake's.
Towns.—San Rafael, (seat of justice,) Saucelito; Corta Madera.
Mountains.—Tama el Paris, or Table mountain.
Geology.—Exceedingly interesting. Affording means of profitably employing a large population.
Although not a mining county, gold-bearing quartz, placer gold, silver and copper ores have been found.
Iron ore in abundance.
Cinnibar, quicksilver, yielding 60 per cent. Steatite, (or soap stone,) lime, asphaltum, marble, brick clay, and granite abundant, and of good quality.

MARIPOSA COUNTY.

Population - - -	8963
American citizens, over 21 yrs -	2519
American females, over 21 years, - -	44
" males and females under 21, -	225
Negroes, over 21, - - -	69
" under 21, - -	13
Mulattoes, over 21, - - -	1
" under 21 - -	1
Indians, domesticated, over 21, - -	2748
" " under 21, -	1785
Foreign residents, over 21, - -	1359
" " under 21, -	212

Enumeration of American citizens, particularly of families, under estimatted, on account of the daily arrivals.
Foreign residents, unsettled and migratory.

Description.

Indian Tribes.—The San Joaquin Indians consist of five tribes, and number some 3107, of which 1605 are males, and 1000 warriors. The Fresno

Indians consist of five tribes and number 1337, of which 718 are males and 500 warriors. The Merced Indians consist of three tribes, and number 280, of which 151 are males and 75 warriors.

These Indians have all been taught some idea of farming, mining, and other kinds of labor. Those on the San Joaquin and Fresno rivers were taught by Maj. James Savage; their native food—acorns.

Forts.—Fort Miller, situated at the entrance of the San Joaquin river into the plains, exercises a very beneficial influence upon the Indians.

Five commissioned officers, eighty soldiers and one female.

Additional improvements of an extensive character, progressing.

Productions.—Wild oats, clover and other rich grasses, abundant in the San Joaquin valley and the foot hills of the Sierra Nevada. Thousands of wild horses. Game, of all kinds, plentiful.

Agriculture.—In its infancy; but abundant proofs have been given of adaptation to all kinds of produce.

Many preparations being made for cultivating the soil and stock raising.

Timber.—Extensive forests of redwood, cedar and pine, along the foot hills of the Sierra Nevada.

Mills.—Two saw mills, paying well.

Mill sites—Many desirable locations for saw and flouring mills.

Rivers and Streams.—San Joaquin river (the principal) rises in the Sierra Nevada mountains, winds its way semi-circularly around the head of the Mercede into the San Joaquin plains, about fifteen miles north of the line dividing this county from Tulare county, thence continues in a southwest direction about thirty miles, thence gradually inclines and makes its way nearly north, passing nearly through the centre of this county. A beautiful stream, and navigable for moderate sized steamboats to within a few miles of Fort Miller. Abounds in salmon and fish of the most delicious kind. Mercede river—fish in abundance. Numerous streams, of less importance, between the San Joaquin and Mercede, rise in the foot hills of the Sierra Nevada, run parallel into the San Joaquin, affording supplies of water for mining purposes.

Minerals.—Gold in abundance. Six Quartz Mills in operation, and many erecting; all paying well. Sixty Towneys (or quartz grinding machines,) paying from sixteen to twenty-five dollars per day, each. Five hundred and twenty-two quartz veins, legally located; many more known to exist. New and rich discoveries daily made, and must continue for centuries. Immense deposits of gold known to exist in the beds of the San Joaquin and Mercede rivers and other streams, which can only be obtained by a heavy expenditure of capital and labor. Minerals of every kind found. The extent of the gold region is some one hundred miles in breadth, and extending "indefinitely back into unexplored regions."

Marble.—The finest character of marble exists at the North Fork of the Mercede, and elsewhere.

Mineral Springs.—Various kinds in different parts.

MENDOCINO COUNTY.

Population,	416
Whites, male,	169
" female,	28
Citizens U. S. over 21 years of age,	111
Indians, male,	84
" female,	103
" over 21	86
Foreign residents, male,	32
" " female,	—
" " over 21,	31

Productions and Capital.

Number of Horses,	638
" Mules,	81
" Cows,	143
" Beef Cattle,	1276
" Work Oxen,	263
" Hogs,	956
" Chickens,	722
" Sheep,	28
" Wagons,	32
Value do.	$3600
Value Farming,	1185
Value Hogs,	14,725
Bushels Barley,	4713
" Oats,	382
" Corn,	981
" Wheat,	3690
" Potatoes,	153
Onions, lbs. of,	2000
Bushels Peas,	50
Beets, lbs.	500
Bushels Turnips,	50

Steam Saw-Mills.

Capital invested,	$60,000

Water Saw-Mill & Grist.

Capital invested,	$6,000
Total,	$66,000

MONTEREY COUNTY.

Population,	2728
Whites, male,	1152
" female,	791
" over 21 years of age	458
Negroes, male,	6
" over 21 years of age,	6
Mulattoes, male,	11
" female,	5
" over 21 years of age,	10
Indians, male,	328
" female,	308
" over 21 years of age,	291
Foreign residents, male,	108
" female,	29
" over 21 years,	106

Productions and Capital.

Number of Horses,	2503
" Mules,	354
" Cows,	4370
" Beef Cattle,	50,450
" Work Oxen,	1139
" Sheep,	3355
" Hogs,	1524
" Poultry,	9013
Bushels Barley,	15,181
" Oats,	130
" Corn,	6208
" Wheat,	1781
" Potatoes,	23,945
" Beans,	11,578
Quantity of other Produce,	680
Acres of land in cultivation,	3117
Capital emp'd in Quartz Mining,	$692
" " Placer "	387
" " other "	13
" " for other purposes,	$603,500
Area, square miles,	420
Length, (average) linear miles	90
Width, " "	38

Divided into three Valleys, known as San Juan, Salinas, and Carmel, having an extent of 70 by 9 miles; 18 by 12, and 15 by 3 miles, respectively.

Aggregate of Valley Land, 891 square miles, watered by the Salinas, (or San Buenaventura,) the Pajaro, the Arroyos of San Bruito and Nacemiento, the Carmel river, and their tributaries. Other small streams running from the spurs of the mountains, such as the Alisal, and San Franciscito.

Sulphur Springs—In the upper end of Salinas Valley.

Minerals.—Gold has been found at San Antonio and in Carmel Valley. Silver has been found in small quantities.

Lands.—Much rich and productive—nearly all covered by Mexican Claims. Grazing fine, and stock raising extensive.

Missions.—Four Missions, known as San Juan Bautisto, Solidad, San Antonio, and Carmel, or San Carlos.

Horticulture.—Orchards of San Juan Bautisto and San Carlos. Vineyards of Solidad and San Antonio.

The lands of these Missions in private hands, either by claim or pre-emption.

NAPA COUNTY.

Population - - - -	2116
Whites, male, - - -	523
" female, - -	252
Citizens of U. S. over 21 years of age, -	307
Negroes, male, - -	12
" female, - - -	1
" over 21, - -	11
Indians, (domesticated) male, - -	668
" " female, - -	660
" " over 21, - -	1018

Productions and Capital.

Number of Horses, - - -	1739
" Mules, - -	157
" Cows, - - -	2643
" Beef Cattle, - -	2572
" Work Oxen, - -	642
" Sheep, - -	3120
" Poultry, - - -	1113
" Hogs, - -	1582
Bushels Barley, - - -	210,312
" Oats, - -	14,330

Bushels Corn, - - -	2,770
" Wheat, - - -	37,735
" Potatoes, - - -	31,247
Onions, lbs. - - -	9,120
Cabbages, number, - - -	1,000
Quantity of other produce, - -	$13,000
Capital invested in mining, - -	176,400
Acres of land in cultivation, - -	10,584

Description.

Mountains.—Mt. St. Helen, situated at the head of the Valley of Napa—height 3500 feet. A landmark to travelers.

Minerals.—Gold has been found, but not in sufficient quantities to justify mining.

Quicksilver.—A mine situated about fourteen miles above the town of Napa, supposed to be very rich.

Mineral Springs.—A Cold Spring, on the south side of the Valley, about 20 miles above Napa City—medicinal. Warm Springs, twenty-five miles above Napa, owned by Ritchie and Tucker, possess high medicinal qualities ; the waters having been tested by invalids. A Soda Spring, near the residence of S. B. Chiles, Esq.

Streams.—Napa River rises in the north part of Napa Valley, runs in a south direction, empties into the Pablo Bay. Navigable for vessels of 5 feet draft 12 miles above its mouth. Las Putas, rises in the north part of the county, runs in an east direction through the beautiful Berryessa Valley, thence through the mountains into the Sacramento Valley, and wastes its waters in the Tule marshes.

Towns.—Napa City, situated on Napa River, about 12 miles from mouth, on west bank. Population, 300. Suscol, situated on same river, about six miles from mouth.

Natural Curiosities.

The Hot Sulphur Springs, (or Geysers,) in the mountains, about 70 miles above Napa City, in a northerly direction, one of the greatest curiosities of the globe. They are from 1 foot to 8 or 9 feet in diameter, and constantly in a boiling state ; water spouting to the height of 10 or 15 feet. Hundreds of fissures in the sides of the mountain emit strong currents of heated gas, making low hissing noises, as loud as the steam escaping from ocean steamers.

NEVADA COUNTY.

Population,	21,365
Citizens U. S. over 21 years of age,	11,585
Females, total,	920
Males under 21 years,	863
Negroes, male,	76
do female,	26
Mulattoes, male,	none
do female,	1
Foreign residents, male,	721
do do female,	61
Indians, domesticated, male, over 21,	945
do do female,	1230
do do male, under 21,	500
do do female, under 21,	551
Chinese, over 21,	3886

Productions and Capital.

Number of Horses,	1304
do Mules,	825
do Cows,	1738
do Beef Cattle,	2268
do Work Oxen	3838
do Hogs,	4279
do Fowls,	2678
Bushels Barley,	14,310
do Oats,	307
do Corn,	45
do Potatoes,	9950
Tons Hay,	50
Acres of land in cultivation,	1587

Mining.

Number of Quartz Mills,	33
Capital invested in do.	$3,385,425
do do placer,	894,425
do do other operations,	181,225
Capital employed in Merchandize,	370,300
do do Improvements,	52,500
do do Hotels,	42,200
do do Saw Mills,	129,350
do do Town Property,	307,101

Cap'l empl'd in Personal property,	20,400
do do Farming,	103,200
do do Real Estate,	3,200
do do Bridging,	3700
do do Butchering,	6500
do do Ditching,	5500
do do Hogs,	2900
do do Gardening,	10,000
do do Printing Office,	2500
do do Railroad.	1000
do do Manufactures,	5600
do do do Tin,	1200
do do do Smithing,	4400
do do Banking,	18,000
do do Drugs,	6600
do do Lumber,	2000
do do Shingle Machine,	800
do do Circus,	3000

PLACER COUNTY.

Population,	10,784
Whites, male,	6,602
" female	343
Citizens over 21 years of age,	5,541
Negroes, male,	75
do female,	5
do over 21	70
Mulattoes, male,	9
do female,	
do over 21,	9
Foreign residents, male,	562
" " female,	72
" " over 21,	479
Indians,	730
Chinamen,	3,019

Productions and Capital.

No. of Horses,	648
" Mules,	344
" Cows,	329
" Beef Cattle,	494
" Work Oxen,	464
" Hogs,	1,261

Bushels Barley,	14,290
" Oats,	610
" Wheat,	86
" Potatoes,	150
Value of other produce,	5,850
Land, acres in cultivation,	679
Capital invested in buildings,	$80,900
" " Trade,	279,400
" " Miscellaneous,	25,000
" " Stock,	201,865
" " Mining,	1,427,567
Total capital invested,	$2,015,732

Mining.—Races and flumes on N. Fork American river on the line of Placer and El Dorado Counties, entire cost, $509,135

Races and flumes on Bear river, entire cost,	16,060
Same on N. Fork of Middle,	18,210
Same on Middle Fork,	202,000
" N. Fork below junction,	509,135
Canals, ditches and flumes, above junction,	125,775
Amount of investments,	569,530

SACRAMENTO COUNTY.

Population,	12,589
Whites, male,	9,457
" female,	1,739
Citizens U. S. over 21 years,	7,431
Negroes, male,	195
" female,	45
do over 21 years of age,	218
Mulattoes, male,	80
do female,	18
do over 21 years of age	84
Indians, male,	62
do female,	18
do over 21 years of age,	38
Foreign residents, male,	971
do do female,	281
do do over 21 years,	1 015
Chinese,	804
do male,	794
do female,	10

Productions and Capital.

No Horses,	3,729
" Mules,	1,190
" Cows,	3,945
" Beef Cattle,	3,718
" Work Oxen,	2,057
" Sheep,	3,077
" Hogs,	4,617
" Poultry,	16,228
Bushels Barley,	157,071
" Oats,	10,760
" Corn,	1,247
" Wheat,	14,290
" Potatoes,	28,204
Tons Hay,	10,042
Total value of live stock,	1,335,698
do do agricultural products,	737,643

Horticulture.

Beets,	612,295 lbs.
Onions,	713,750 "
Cabbage,	1,817,750 "
Tomatoes,	1,039,800 "
Carrots,	107,500 "
Parsnips,	60,650 "
Pumpkins,	460,100 "
Turnips,	356,600 "
Melons,	358 acres.
Total value,	$339,682 00

Am't generally invested,	$5,358,394
" in quartz mining,	124,165
" in Placer mining,	89,808
" other mining operations,	169,850
" Stock,	1,335,698
" Farming,	737,643
" Gardening,	339,682
Total,	$8,155,241

SAN JOAQUIN COUNTY.

Population,	5,029
White male inhabitants,	3,582
do female do	987
Citizens U. S. over 21 years,	2,451
Negroes, male,	60
do female,	21
Male over 21	53
Indians, male,	168
do female,	211
Male over 21,	125
Foreign residents, male,	650
do female,	299
do over 21,	516

Products and Capital.

No horses,	3,403
do mules,	1,082
do cows,	1,601
do beef cattle,	5,397
do work oxen,	2,488
do sheep,	1,712
do hogs,	2,295
Bushels barley,	111,489
do oats,	1,625
do corn,	1,245
do wheat,	5,145
do potatoes,	1,410
Hay, tons,	6,653
Acres of land in cultivation,	4,001
Capital employed,	$2,896,050

Live stock considerably increased by the late emigration.

Purely Agricultural.—Located in the heart of a valley hundreds of miles in extent, fertile and fine grazing.

Timber.—Oak principally.

Land—A large portion, bordering on the San Joaquin and Moquelumne rivers, consisting of overflowed or "Tule," is being rapidly improved; large quantities of grass on the Tule lands; cannot be reclaimed to cultivation except by great labor.

Productions.—Barley, the principal; corn, oats, wheat, &c., better than in the Atlantic States, 80 bushels barley per acre.

Horticulture.—Garden produce, melons., &c., are raised in abundance.

Game.—Of all descriptions on the plains.

Fish.—Plenty in the streams; many persons engaged in catching and curing salmon.

Roads.—Level and in good order.

Indians.—Mostly removed into the mountains. Four rancherias remain. First, at the crossing of the Calaveras at Dav s & Atherton's Ferry, containing about 40. Second, on the Moquelumne near Staple's Ferry, numbering 55. Third, at Dent & Vantine's Ferry on Stanislaus river, numbering about 275. Fourth, at Bonsell's Ferry on the San Joaquin, numbering 20. All perfectly friendly; some cultivate the soil and mine.

Ferries and Bridges.—Excellent. Conveniencies of travel great to all points.

Towns and Villages.—Stockton and Castorio (or French Camp). Stockton, one of the principal cities of the State, situated on the Stockton slough or channel, about 3 miles from its junction with the San Joaquin, contains as residents 3000 inhabitants; first settled in 1844 by C. M. Weber, who obtained a grant from the then Governor of California for a large section of country; made a pueblo in 1845, when there were 7 residences; abandoned the succeeding year. In 1848, settlement successfully established, growth rapid. The channel navigable for vessels and steamers at all seasons.

French Camp.—Situated on a slough of the same name—originally the head quarters of the Hudson Bay Company. Several trading posts established here, always accessible from the mines, on account of the peculiar nature of the soil.

Mining.—But little carried on. Placers on the Stanislaus average $4 per man per day.

Streams.—San Joaquin, Moquelumne, Calaveras, Stanislaus and Dry Creek; Dry Creek a branch of the Moquelumne forms one of the boundaries between this and Sacramento Co. Moquelumne also forms a partial division between the two Counties and runs directly inland through the County.

Stanislaus divides this from Tuolumne County, and empties into the San Joaquin. Calaveras runs directly through the County and empties into San Joaquin. The banks of these rivers rapidly settling and fortunes amassed.

Insane.—30 in the Hospital.

State Hospital erecting at Stockton, an ornament to the State.

SAN LUIS OBISPO COUNTY.

Population, - - -	984
Whites, male, - -	331
" female, - - -	163
Citizens U. S. over 21 years of age, -	143
Negroes, male, - - -	4
" female, - -	4
" over 21 years of age, - -	4
Foreign residents, male, - -	85
" " female, - -	36
" " over 21, -	77

Productions and Capital.

No. of Horses,	1,146
" Mules,	86
" Cows,	18,299
" Beef cattle,	9,333
" work Oxen,	282
" Sheep,	3,000
Average value, $7 per head.	
" Hogs,	150
" Poultry,	3,000
Bushels Barley,	3,845
" Corn,	951
" Wheat,	1,210
" Potatoes,	2,275
Acres Land in cultivation,	2,538
Capital invested in ranches and stock,	$664,843
" in village property,	40,000
Total,	$704,843

Description.—37 Ranches, chiefly held under Mexican grants.

Land, unclaimed or vacant, acres,	50,000
Total No. acres,	550,000
Value, 37½ cts per acre, according to assessment.	
Value of claimed,	$371,000
" improvements,	43,500
" unclaimed,	25,000
" vegetable crop,	5000

Ports.—San Luis Obispo, 9 miles from the town of that name. San Simeon, 40 miles N. W. of the latter. Fine harbor at the Rancho of John Wilson, known as the "Moro."

Streams.—Nacimiento, dividing this from Monterey County. Arroyo Grande. Santa Maria, dividing this from Santa Barbara county. Bottoms on these streams well timbered with sycamore, oak, and Alamia, (a species of cottonwood.)

Minerals.—Silver, rich mines of. Copper and Iron, supposed to exist. Coal,—a mine on the Rancho of Don Jose de Jesus Pico, situated on the Bay of San Simeon—finest carbon.

Bituminous Springs—many and large.

Sulphur Spring.—Warm Sulphur Spring about 10 miles south of San Luis Obispo—the panacea of the natives.

Timber.—Pine of large size and superior quality.

Lime Rock—In great abundance.

Wild Horses—Found in large numbers on the plains in N. E. of the county. Value, $10 per head.

Horticulture.—Vineyard of San Miguel, extensive, but much neglected. The Mission of San Luis Obispo in ruins: still remaining some fine olive, peach, pear, fig, and apple trees, and a small vineyard.

Mineral, agricultural and commercial resources great.

SANTA CLARA COUNTY.

Population,	6664
White inhabitants,	6158
Citizens of U. S. over 21 years,	1717
" " " male,	4096
" " " female,	2062
Negroes,	53
" over 21 yrs of age, male,	39
" " " female,	8
Mulattoes, male, none.	—
" female,	3
Indians, domesticated,	450
" " male,	388
" " female,	162
" " over 21,	198
Foreign residents,	1335
" male,	1059
" female,	276
" over 21,	1081

Live Stock.

No. Horses,	4371
" Mules,	609
" Cows,	4201
" Beef Cattle,	16,020
" Work Oxen,	3546
" Hogs,	1765
" Sheep,	3620
" Goats,	117
" Turkeys,	110
" Fowls,	2690

Vegetables.

Onions, No. of lbs.,	8,356,600
Cabbages, "	413,500
Carrots, bushels,	11,000

Beets, bushels,	21,000
Grape vines, No.,	16,800
Fruit trees, "	17,739
Hay, tons,	3,175
Bricks, No. of,	500,000

Agriculture.

Barley, bushels of,	415,340
Oats, "	13,520
Corn, "	19,645
Wheat, "	122,192
Potatoes, "	656,700
Beans, "	11,300
Other produce, lbs.,	501,450

Land.

No. acres in cultivation,	19,066
Amount of capital invested,	$1,152,325

SANTA CRUZ COUNTY.

Population,	1219
Whites, male,	723
" female,	374
Citizens U. S. over 21 years of age,	279
Negroes, male,	3
" female,	1
" over 21 "	4
Mulattoes, male, none.	
" female,	8
" over 21,	8
Indians, male,	63
" female,	47
" over 21,	37
Foreign residents, male,	33
" female, none,	
" over 21,	30

Productions and Capital.

No. of Horses,	1029
" Mules,	105

No. of Cows,	1582
" Beef cattle,	8062
" Work Oxen,	625
" Hogs,	531
" Sheep,	65
" Hens,	3633
" Chickens,	185
" Fowls,	377
Bushels Barley,	60,149
" Oats,	4350
" Corn,	1342
" Wheat,	7028
" Potatoes,	156,202
Quantity of other produce,	$425
Lbs. Onions,	37,214
Bushels Beans,	630
Acres of Land in cultivation,	5472
Capital employed in mining, (Quartz,)	$1000
Capital employed in farming,	$48,700
" " merchandise,	28,250
" " milling,	30,500
" " real estate,	21,800
" " smithing,	500
" " making lime,	200
Cash on hand,	16,550

SANTA BARBARA COUNTY.

Population	2131
Whites, male	834
" female	682
Citizens U. S, over 21 years of age	301
Negroes	—
Mulattoes	9
" male	4
Mulattoes, female	5
" over 21	5
Foreign Residents	120
" " male	110
" " female	10
" " over 21	106

Productions and Capital.

Number of Horses	2990
" " Mules	120

Number of (tame) Cows	1560
" (wild) "	30,055
" Beef cattle	50,297
" Work oxen	522
" sheep	7391
" Hogs	236
" Poultry	1547
Bushels Barley	4748
" Beans	6083
" Corn	2316
" Wheat	615
" Potatoes	3323
" Olives	137½
Cwt. Squashes	433
Bushels Pears	837
Tons Cabbage	4-1cwt.
Tons Grapes, raised for table,	5-1 do.
Barrels, Aguadiente	33
" Wine	46

Land.

Acres in cultivation	699
Tons of hay harvested	97

Minerals.—A Hot Sulphur spring, in the Montecito near the village of Santa Barbara. Temperature, above 100° Fahrenheit—basin large enough to bathe in.

Salt.—Abundantly supplied from the Salinas—gathered in August and September, in cart-loads.

Tar.—One or two Tar springs, in the neighborhood of Santa Barbara village. The sea throws up bitumen, for leagues along the coast.

Gold—In the southern part of the county—extensively worked in 1842.

Streams.—Santa Clara river rises in the mountains, E. of San Cayetano Rancho, and runs a distance of 40 or 50 miles to the sea.

San Buenaventura river rises near the Rancho of Ojai, has a course of some 25 or 30 miles to the sea, which it enters near the Mission of San Buenaventura.

Santa Inez river, (the northmost,) rises behind the Coast Range, near the Rancho of Los Prietos, has a course of 50 or 60 miles to the sea, empties at the Rancho of Lumpoe, above Point Conception.

Land.—Much fertile, arable, which can be irrigated, along the streams.

Fish.—Large quantities taken in April and May with nets, at the mouths of the rivers.

Mountains.—Coast Range—attains the height of 4000 feet.

A volcano, near the farm of Captain Thomas Robbins.

The waters of the coast abound in corvinas, black fish, mackerel, crawfish, sardines, clams, and many species of excellent fish.

Oysters.—A bed, 150 yards in length, 25 feet wide, and two or three

feet thick, discovered within the Pueblo limits of Santa Barbara, of uncommon size and good flavor.

Islands—The rendezvous of otters, seals, sea elephants and beaver.

A Grazing County—One third good for wheat, barley, oats, and other crops. Very small portion susceptible of irrigation, so as to produce Indian corn, fruit trees, &c. &c.

Many melons raised.

Agriculture—In a very rude state. Material for fencing scarce. The soil wonderfully productive.

Vegetables large and excellent.

Grasses luxuriant and nutritious.

Fine for dairy-farming.

SAN DIEGO COUNTY.

Population,	2,932
Whites, male,	397
do female,	140
Citizens U. S. over 21 years of age,	274
Negroes, male,	7
do over 21 years of age,	7
Indians, (domesticated,) male,	1,249
" " female,	1,024
" " over 21,	1,474
Foreign residents, male,	91
" " female,	7
" " over 21 years,	90

Productions and Capital.

Number of Horses,	1,767
do Mules,	262
do Cows,	904
do Beef Cattle,	5,164
do Work Oxen,	563
do Hogs,	726
do Sheep,	1,580
do Goats,	246
do Poultry,	856
Bushels Barley,	1,221
do Oats,	5
do Corn,	1,205
do Wheat,	1,056
do Potatoes,	52

Land.

Acres in cultivation, - -	304

Capital Employed.

In Merchandise, - -	$46,000

SAN FRANCISCO COUNTY.

Population . . .	36,151
Whites, male .	30,156
" female . . .	5,375
Citizens of U. S. over 21 . .	11,848
Negroes, male . . .	270
" female . . .	53
" over 21 years of age . .	284
Mulattoes, male . . .	103
" female . .	38
" over 21 years of age, .	108
Indians, domesticated, male . .	96
" " female .	63
" over 21 years of age . .	73
Foreign residents, male . .	16,537
" " female . .	2,766
" " over 21 .	16,302

CITY OF SAN FRANCISCO, (included in the above.)

Population . . .	34,876
Whites, male . .	29,166
" female . . .	5,154
Citizens U. S. over 21 years .	11,371
Negroes, male . .	260
" female . .	52
" over 21 years of age . .	275
Mulattoes, male . .	99
" female . . .	33
" over 21 years of age .	103

Indians, domesticated, male	6
" " female	6
Foreign residents, male	16,144
" " female	2,710
" " over 21	15,937

Capital and Productions.

Number of Horses	2,215
" Mules	577
" Cows	1,342
" Beef Cattle	3,419
" Work Oxen	246
Bushels of Barley	18,450
" Oats	3,900
" Corn	1,360
" Wheat	5,300
" Potatoes	10,050
" other produce	5,150

Land.

Acres in cultivation,	1,297

Capital employed for other purposes.

Outside the limits of the city of San Francisco,	$761.500
Estimated amount of taxable property,	20,000,000
Amount of property assessed,	17,794,711

Description.

Mountains—"Sierra Morino," or Brown Mountains. The most remarkable commence at a point about ten miles south of San Francisco, and run along the coast until they unite with the range of same name in the county of Santa Clara; rise above 2,000 feet in height; these mountains protect the inhabitants of the valley from the coast winds.

Coal—has been discovered.

Timber—Excellent Red Wood in some parts of the county.

Mills—3 saw mills. 2 saw mills and 1 grist mill in process of construction.

Streams—San Francisquita Creek, dividing this county from Santa Clara, rises in the Sierra Morino, runs eastwardly, empties into San Francisco Bay. Gold in small quantities has been found in this creek.

Agriculture—Agricultural resources yet undeveloped. Quality of soil rich and productive. Farming rapidly increasing.

SHASTA COUNTY.

Population - - -	4050
Whites, male, - -	3448
Do female - - -	252
Citizens of U. S. over 21 years, -	2647
Negroes, male, - - -	45
Do female, - -	3
Do over 21 years, - -	45
Mulattoes, male, - -	10
Do female, - -	2
Do over 21 years, - -	9
Indians, (domesticated,) male, - -	52
Do do female, -	21
Do do over 21, -	59
Foreign residents, male, - -	811
Do do female, - -	14
Do do over 21 yrs -	792

Productions and Capital.

Number Horses, - - -	415
Do Mules, - -	1036
Do Cows, - - -	226
Do Beef cattle, - -	252
Do Work Oxen - -	314
Do Sheep, - -	200
Do Chickens, - -	2000
Do Hogs, - - -	450
Bushels of Barley, - - -	1430
Do Oats, - -	1200
Do Corn, - - -	670
Do Wheat, - -	550
Do Potatoes, - -	70
Tons of Hay, - -	3000
Acres of land in cultivation, - -	908
Number of Quartz Mills, - -	2
Capital employed in quartz mining, -	$94,700
Do do placer do -	90,950
Do do other do - -	92,800
Total capital employed - -	$958,500

Minerals.—Many springs, strongly impregnated. The *Soda Spring*, the most celebrated, situated near the Sacramento river, 60 miles north of Shasta city.

Salt Springs—12 or 15: would produce salt enough to supply the State.

Streams.—Sacramento River, Cottonwood, Chas Creek, Cow Creek, Churro Creek, Spring Creek, Whiskey Creek and Dog Creek.

Mines.—Very numerous. Not a river, creek, gulch or ravine that does not contain gold.

Names of principal Mining Localities.—French Gulch, Mad Mule Cañon, Mad Ox Cañon, Whiskey Creek, One Horse Town, One Mule Town, Clear Creek, Grizzly Gulch, and Middle Town.

Number of Miners	2000
Average yield per man per annum	$1246
Annual product, total	$2,492,000

SIERRA COUNTY.

Population,	4855
Citizens U. S. over 21 years age,	3463
Whites, male,	3630
" female,	62
Foreign residents, male,	1033
" female,	34
" over 21 years,	976
Negroes, "	41
do. under "	1
Mulattoes,	7
do. over 21,	7

Productions and Capital.

No. of Horses,	25
do Mules,	249
do Cows,	38
do Beef cattle,	29
do Work Oxen,	6
do Sheep,	13
do Hogs,	32

No. of Chickens,	100
Bushels Barley,	10
do Oats,	10
do Cabbage,	10,000
do Potatoes,	2100
do Turnips,	610
Acres of Land in cultivation,	168
Capital employed in quartz, mining,	$9109
Capital employed in placer mining,	134,051
Capital employed for other purposes,	332,225

Description.——Mountains: Saddle Peak, height 7200 feet. Table mountain, height 8000 feet. Buttes, at the head of South Fork, 9000 feet, surrounded with quartz leads: lime stone excellent: no mineral springs.

Towns.

Downieville, population	810
Pine Grove, do	504
Windsor, do	210
Coxe's and Snake Bars, popula'n,	346
Goodyear's Bar, do	356

SISKIYOU COUNTY.

Population,	2240
Whites, male,	1874
do female,	82
Citizens U. S. over 21 yrs of age,	1517
Negroes, male,	33
do female,	1
do over 21,	32
Mulattoes, male,	4
do over 21,	4
Indians, male,	22
do female,	4
do over 21,	12
Foreign residents, male,	213
do female,	7
do over 21,	207

*Productiv*y i*nd Capital.*

No. of Horses,	552
do Mules,	1193
do Cows,	301
do Beef cattle,	1071
do Work Oxen,	451
Bushels Barley,	340
do Oats,	1408
do Corn,	25
do Potatoes,	4715
Acres of land in cultivation,	309

Quartz Mills.

Number of,	9
Capital employed in quartz mining,	$35,580
Capital employed in placer mining,	39,165
Capital employed in other mining,	11,950
Capital employed in other purposes,	72,310

SOLANO COUNTY.

Population,	2835
Whites, male,	2324
do female,	402
Citizens U. S. over 21 yrs age,	1298
Negroes, male,	26
do female,	2
Mulattoes, male,	35
do female, none.	
Indians, male,	31
do female,	15
Foreign residents, male,	790
do female,	101

Productions and Capital.

No. of Horses,	1936
do Mules,	187
do Cows,	2185
do Beef cattle,	1085

No. of Work Oxen,	1149
do Hogs,	2264
do Sheep,	1949
do Hens,	3143
Bushels Barley,	105,630
do Oats,	13,870
do Corn,	3565
do Wheat,	8395
do Potatoes,	25,905
Tons Hay,	2146
No. Grape Vines,	5811
do Fruit Trees,	1961
Acres of land in cultivation,	5949
Capital employed in quartz mining,	$8000
Capital employed in other mining operations,	24,000
Capital employed in other purposes,	110,900

Description.

Suscol Valley.—West of Suscol Hills—runs from the city of Vallejo to the northern part of the county: 8 miles in length and 3 in width, Napa Bay washing its whole length. Growth—wild oats of luxuriant growth, well adapted to farming; a desirable and interesting portion of the country.

Sulphur Spring Valley—Runs up from Suisun Bay, two miles north of Benicia; from 100 to 400 yards wide; winds through the Suscol Hills for 5 or 6 miles: soil rich and well watered.

Green Valley—Lies east of the Suscol Hills, 4 miles east of Suscol Valley; 6 miles in length and 1½ in breadth; large portion always green,—whence its name. Navigation excellent from the interior: south end the terminus of the Great Sacramento Valley. Well adapted to agriculture, and covered with wild oats and evergreen grass and red clover.

Suisun Valley—North of Suisun Bay and east of Green Valley; 6 miles square; covered by a Spanish grant; opens out on the east into the Sacramento Valley. Soil exceedingly fertile and much cultivated. Navigation excellent. 500 tons hay ready for shipment; 500 tons barley, also; 6 vessels constantly taking produce from the embarcadero: hay consists chiefly of wild oats and clover.

Ulattis Valley—Lies farther to the northeast, 5 miles in length and 1½ in width; runs northwest between two ranges of hills, and opens out into the Sacramento Valley: a great thoroughfare, and the admiration of all travellers.

Sacramento Valley—Extends as far as the eye can reach, covered with wild oats, and not subject to inundation.

Streams.—Puta River: 10 miles N. of Ulattis Valley, the northern county line; not navigable; affords abundant water for stock, which resort to it in great numbers; rises in the mountains, winds through a rich, lively, fertile plain 20 miles, and loses itself in the extensive Tules which lie between the Plains and Sacramento River. Western part of the county mountainous, and very interesting; many small valleys well adapted to stock raising.

Sacramento River—well adapted to farming and grazing purposes.

Mountain Peaks.—In the eastern part of the county a double peak, very conspicuous, at the head of Green Valley; another double peak, between Green Valley and Suscol, next in magnitude.

Mineral Springs.—Four miles north of Vallejo there is a large Soda Spring, running through Suscol Valley to Napa Bay. Three miles east of this is an other, equally large, and about the same distance from Vallejo; winds through low hills and passes through the same valley; empties into the same Bay. Three miles north of Benicia is another spring of the kind: winds through Sulphur Spring Valley, from which it takes the name of Sulphur Spring Waters; is of good temperature for bathing.

Towns—Benicia and Vallejo. Entirely agricultural and grazing.

SONOMA COUNTY.

Population,	2337
Whites,	1872
do male,	1309
do females,	511
Citizens of U. S. over 21 years,	885
Negroes,	5
do male,	4
do female,	1
do over 21 years of age,	4
Mulattoes,	7
do male,	5
do female,	2
do over 21 years of age,	7
Indians, domesticated,	376
do do male,	223
do do female,	153
do do over 21,	132
Foreign residents,	114

Foreign residents, male,	85
do do female,	29
do do over 21 years,	79

Productions.

No. of Horses,	4400
do Mules,	251
do Cows,	3120
do Beef cattle,	4335
do Work Oxen,	1087
do Hogs,	4934
do Poultry,	11,050
do Sheep,	100
Bushels of Barley,	87,851
do Oats,	2446
do Corn,	3791
do Wheat,	23,108
do Potatoes,	277,542
do Beans,	650
Pounds of Onions,	491,671
do Turnips,	127,100
do Beets,	21,302
do Peas,	2230
Tons of Hay,	1266
No. of Wagons,	218
No. of Carriages,	21

Land.

Value of,	$747,665
do Town Lots,	101,952
do Merchandize,	29,760
do Farming Implements,	50,472
No. of acres in cultivation,	9387

Machinery.

Threshing Machines,	5
Blacksmith Shops,	6
Capital invested in iron and tools	$2,500
Grain Cutters,	1

Value, 700 dollars.

Manufactures.

W. Tan Yard, belonging to Capt. Smith, 1
Containing in hides, $30,000

SUTTER COUNTY.

Population,	1207
Whites, male,	590
do female,	85
Citizens of U. S. over 21 years,	527
Negroes, male,	8
do female,	3
do over 21 years of age,	11
Mulattoes, none	
Domesticated Indians, male,	262
do do female,	252
do do over 21,	414
Foreign residents, male,	7
do female,	3
do over 21 years,	10

Productions and Capital.

No. of Horses,	603
do Mules,	236
do Cows,	472
do Beef cattle,	1075
do Work Oxen,	2389
do Hogs,	2333
do Sheep,	50
Bushels of Barley,	50,927
do Oats,	360
do Corn,	100
do Wheat,	300
do Potatoes,	1930
Tons of Hay,	1488
Other products, lbs.,	20,087
Acres of land under cultivation,	1401
Capital empl'd in Merchandize,	$3600
do do Stock,	14,000
do do Real Estate,	2000

TRINITY COUNTY.

Population,	1764
Whites, male,	1741
do female,	23
Citizens U. S. over 21 years age,	1491
Negroes, male,	6
do over 21 years of age,	5
Mulattoes, male,	8
do over 21 years of age,	6
Indians, (domesticated) male,	2
do do female,	2
do over 21 years of age,	3
Foreign residents, male,	150
do do female,	5
do over 21 years of age,	138

Productions and Capital.

Number of Horses,	94
do Mules,	459
do Cows,	17
do Beef Cattle,	83
do Work Oxen,	15
Bushels Barley,	220
do Oats,	2
do Potatoes,	125

Land.

Acres in cultivation,	275

Capital Employed.

In Placer Mining,	$34,440
Other Mining,	28,820
For other purposes,	201,117
Merchandise,	186,117
Cash,	8,200
Town property,	1,800
Farming,	4,500
Smithing,	500

TUOLUMNE COUNTY.

Population,	17,657
Whites, male,	15,967
do female,	958
Citizens of U. S. over 21 years,	6904
Negroes, male,	96
do female,	4
do over 21 years,	95
Mulattoes, male,	39
" female,	3
" over 21,	40
Domesticated Indians,	590
Foreign residents,	8663
do do over 21,	8600

Productions.

No. of Horses,	1726
do Mules,	578
do Cows,	199
do Beef cattle,	4818
do Work oxen,	373
Bushels of Barley,	820
do Oats,	100
do Potatoes,	1200
Tons Hay,	1650
Quantity of other produce,	$96,000

Land.

Acres in cultivation,	1870

Mining.

No. of Quartz Mills,	5
Capital employed in Quartz Mining,	$49,900
Capital employed in Placer Mining,	76,085
Capital employed in other Mining operations,	1900
Total capital employed,	$1,283,885

TULARE COUNTY.

Population,	8575
Whites,	174
do male,	142
do female,	32
Citizens of U. S. over 21 years of age,	125
do do under do	48
Negroes, male,	1
do female,	none
Indians,	8400
do male,	5800
do female,	2607
do over 21 years,	3780
do under do	4613
No. of Tribes,	14

Productions.

Number of Horses,	74
do Mules,	83
do Cows,	41
do Beef Cattle,	4
do Working Oxen,	108

YOLO COUNTY.

Population,	1307
Whites, male,	1085
do female,	189
Citizens U. S. over 21 years,	1016
Negroes, male,	11
do female,	none.
do over 21,	10
Mulattoes, male,	3
do female,	none.
do over 21,	3
Indians, male,	109
do female,	43
do over 21,	90
Foreign residents, male,	83
do do female,	3
do do over 21,	51

Productions and Capital.

Number of Horses,	1808
do Mules,	314
do Cows,	287
do Beef Cattle,	9116
do Work Oxen,	223
do Hogs,	2607
do Sheep,	1855
do Hens,	2244
do Fish,	2900
Bushels Barley,	126,076
do Oats,	5075
do Corn,	1310
do Wheat,	1497
do Potatoes,	11,950
Cabbages,	28,400
Turnips,	4010
Quantity of other Produce,	6225
Acres of Land in cultivation,	3846
Capital employed in Gardens,	$1524
Capital employed in Boating,	38,800
Hay, tons,	6238
Wood, value,	19,370
Capital employed in Quartz Mining,	$5800
do do Placer,	100
do do other purposes,	2500

Towns.—Washington; 4 Hotels, 2 Stores, and 3 Laundries; Fremont; 1 Hotel and 1 Store; Cache Creek; 3 Hotels; Cotton Wood; Merritt; Putah.

Mountains.—Coast Range.

Streams.—Sacramento, Cache Creek and Putah Creek.

Lakes.—Washington, size, 3 miles by half a mile; Clear Lake, size, 6 by 2 miles; and Tule Lake, one half by one fourth of a mile.

Post-Offices, 2.

YUBA COUNTY.

Population	22,005
Whites, male,	16,666
do female,	633

Citizens of the U S over 21 years,	15,245
Negroes, male,	182
do female,	12
do over 21,	170
Mulattoes, male,	45
do female,	
do over 21,	45
Indians, (domesticated) male,	117
do do female,	3
do do over 21,	102
Foreign residents, male,	2809
do do female,	246
do do over 21,	2846
Chinamen,	2100

Productions and Capital.

Number of horses,	1,601
do mules,	1,749
do cows,	1,012
do beef cattle,	2,472
do work oxen,	1,010
do hogs,	2,500
do poultry,	8,000
Bushels barley,	312,876
do oats,	14,377
do corn,	810
do wheat,	6,345
do potatoes,	8,480
Water melons,	1,000,000
Tons hay,	4,008
Land.—Acres in cultivation,	7,008
Mining.—No. quartz mills,	2
Capital employed in quartz mining,	$121,400
Capital employed in placer mining	710,900
do do in river mining	1,687,150
do do merchandise and trade,	1,939,600
Amount in quartz mills,	22,000
do saw mills,	81,000
Whole amount of capital employed exclusive real estate,	4,570,500
No. saw mills,	18
Lumber, annual product, feet,	9,050,000
Flouring mills, 1. Capital,	$8,000

Streams.—Bear river, County line on south, empties into Feather river 31 miles below Marysville.

Dry Creek, No 1, small stream emptying into Bear river five miles from mouth. Dry Creek No 2, empties into Feather river six miles above mouth of Bear river. Excellent farming and grazing lands on these streams. Good grass at all seasons.

Yuba river. principal mining operations located on—110 companies—11.371 feet turned from course.

Dry Creek No 3 empties into Yuba river from the north. Several small streams emptying into it; forty miles in length; 9 saw mills on; gold found on, paying $4 per day per man.

Indiana Creek empties into Dry Creek, 22 miles from mouth. Steam saw mill on it; best of timber on it; much gold, paying $5 per day.

Toll's Creek empties into Indiana Creek, 1 mile from mouth—gold on it.

Clark's Run empties into the Yuba river from the south, 20 miles from Marysville. 600 men at gold digging paying from $5 to $50 per day.

Deer Creek. South Yuba. Dobbins' Creek—3 fine Ranchos on. Good timber.

Middle Yuba—500 Chinamen on—Mining—1 saw mill. Highest peak of mountains on this stream, according to survey of Dr. Frost, 2800 feet,—called "Oregon Hill."

Scott's Creek.—Much gold. Quartz gravel pays from 25 cts. to $1 the pan. Digging very profitable. Employment for a great number, for years.

Mill Creek—1 saw mill. Gold in small quantities.

Hampshire Creek—Fine saw mill on. Timber fine and lumber excellent.

Dead Wood Creek—1 saw-mill on—gold abounds.

Slate Creek—near the foot of the Sierra Nevada. Gold very coarse, generally in large deposits on the bed rock—$8 per day per man.

Cañon Creek.—Coarse gold. Most profitable dry diggings in the northern mines; principal mining in Sierra county.

Minerals.—Gold and Quicksilver— 1 oz. pure quicksilver to the pound of rock.

Towns and Villages.

Marysville.—Population 4,500; situated on Yuba River, one mile above Feather.

Ousley's Bar.—Population 390; 13 miles above Marysville.

Kennebeck.—Population 120; fourteen miles above Marysville. Wages five dollars per day.

Long's Bar.—Population 450; sixteen miles above Marysville; five dollars per day.

Parks' Bar.—About 50 others of similar size.

RECAPITULATION.

Total Population of the State, - - 224,435

COMPOSED AS FOLLOWS:

County of	Butte, -	8,572
Do	Calaveras, -	20,192
Do	Colusi, -	620
Do	Contra Costa, -	2,745
Do	*El Dorado, not returned.	
Do	Klamath, -	530
Do	Los Angeles, -	7,831
Do	Marin, -	1,036
Do	Mariposa, -	8,969
Do	Mendocino, -	416
Do	Monterey, -	2,728
Do	Napa, -	2,116
Do	Nevada, -	21,365
Do	Placer, -	10,784
Do	Sacramento, -	12,589
Do	San Diego, -	2,932
Do	San Joaquin, -	5,029
Do	San Francisco, -	36,151
Do	San Luis Obispo, -	984
Do	Sante Clara, -	6,664
Do	Santa Cruz, -	1,219
Do	Santa Barbara, -	2,131
Do	Shasta, -	4,050
Do	Sierra, -	4,855
Do	Siskiyou, -	2,240
Do	Solano, -	2,835
Do	Sonoma, -	2.337
Do	Sutter, -	1,207
Do	Trinity, -	1,764
Do	Tuolumne, -	17,657
Do	Tulare, -	8,575
Do	Yolo, -	1,307
Do	Yuba, -	22,005

* El Dorado, one of the most populous Counties in the State, is presumed to contain 40,000 inhabitants, which gives the entire population of the State at 264,435.

PRODUCTIONS AND CAPITAL OF THE STATE.

Number of Horses,	64,773
Do Mules,	16,578
Do Cows,	104,339
Do Beef Cattle,	315,392
Do Work Oxen,	29,065
Bushels of Barley,	2,973,734
Do Oats,	100,497
Do Wheat,	271,763
Do Potatoes,	1,393,170
Do Corn,	62,532
Acres of Land under Cultivation,	110,748
Number of Quartz Mills,	108

CAPITAL INVESTED IN

Quartz Mining,	$5,871,405
Placer Mining,	4,174,419
Other mining operations,	3,851,623
*For other purposes,	41,061,933

* For the particular items of this investment, see the Productions and Capital of each Coun separately.

[Document No. 15.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM

M. G. VALLEJO.

[GEORGE KERR, STATE PRINTER.

the public buildings, now in the possession of the State, shall remain subject to the use and control of the Legislature so long as Vallejo shall continue the Seat of Government, free of charge.

Hoping the proposition may meet the approval of your Excellency and the Legislature,

I remain, with sentiments of high esteem,

Your sincere friend,

M. G. VALLEJO.

[Document No. 16.]

IN THE SENATE.] [SESSION OF 1853.

MAJORITY AND MINORITY REPORTS

OF THE

SELECT COMMITTEE ON THE CONSTITUTION.

[GEORGE KERR, STATE PRINTER.

MAJORITY REPORT

OF THE

SELECT COMMITTEE ON THE CONSTITUTION.

MR. PRESIDENT:

The undersigned, from the committee to whom was referred so much of the Governor's Message as refers to the amendment of the Constitution of the State, have given to the subject that careful consideration which its imimportance demands, and dissenting from the views of some of their comembers, would respectfully submit the following report:

Your committee cordially approve the objects of the several recommendations referred to them, and while they would most heartily co-operate with His Excellency in any measure having a tendency to curtail the expenses of the Government, would at the same time carefully avoid any measure tending to impair its efficiency; with these two objects in view the committee entered upon the discharge of the duty assigned them.

It is a source of much regret to the undersigned that they are compelled to disagree with their colleagues upon the first amendment recommended by the Governor, and one which would effect a great retrenchment in the expenditures of the State, viz: biennial *Sessions* of the Legislature.

The frequency of the meetings of the representatives of the people to deliberate upon the interests of the body politic, cannot be fixed to any determinate period. The assembling of the body, like the existence of the Legislative power, is a matter of necessity. The power is indispensable to the existence of the State, and to the protection of the rights and interests of the people. Where the power is in the hands of an individual, or in those of a few persons, it may without inconvenience be exercised at any time, and it cannot be denied that this may often be found advantageous to the

community. But where government is based upon democratic principles—where the power is entrusted to the many residing in distant parts of an extensive territory, considerations of economy have suggested the propriety of stated periods for the assembling of the body. The length of these periods must depend upon the circumstances of the people. For their benefit the power is brought to bear, and it should be exercised whenever exigencies arise that require its action. These occur more or less frequently in proportion to the wisdom with which the power is exercised, the varied resources of the State, and the enterprise and diversified employment of the people.

In Rhode Island the Legislature assembles semi-annually, and in her limited territory, though she has had many years to perfect her laws, we have no doubt but the policy is a wise one, ensuring as it does, a frequent expression of the public will. But in a State with so extensive a territory as California, and especially while laboring under her present pecuniary embarrassments, the expense of travelling twice a year from circumference to centre, and from centre to circumference, would of itself be a sufficient objection to so frequent assembling of the legislative body. To obviate this expense the larger States adopted annual sessions. These have been found generally to answer the purposes of our sister States, yet so great was the liability of contingencies occurring that might require legislative action at shorter periods, that they all clothed their executive with power to call extra sessions whenever in his judgment it might be deemed necessary. These contingencies have occurred and the power has been exercised frequently. And if stated annual meetings of the Legislature, with occasional extra sessions have been found necessary in the older States, how much more necessary are they in California, where the change in population and in other circumstances occurring every month are greater than those which the former undergo in an entire year. It is true some of the older States have tried the experiment of biennial sessions, and we are not aware that any injury has resulted. Yet they are but experiments, and in the opinion of the undersigned have not yet been sufficiently tested to justify us in taking them as a pattern. Besides, in all the six States that have tried the experiment the employments of the people are less diversified than with us; and in five of them the relations existing between employer and employee, that prolific source of legislation and of litigation, is to a great extent entirely different from that which obtains between the same parties here.

Entertaining the views expressed in the foregoing paragraphs, the undersigned cannot recommend any alteration of the Constitution had under consideration.

In regard to the second recommendation of the Governor, to repeal the 28th section of the 4th article providing for the census to be taken in 1855, the undersigned are of opinion that it should remain.

It is the wise policy of Government to demonstrate as frequently as possible its rapid strides to greatness, its accumulation of population, and the development of its resources. This can only be done through a correct census return, and the expenditures incident thereto will be borne more uncomplainingly by the tax payers than any other item in the cost of Government. The undersigned therefore cannot concur in the recommendation made by the Governor, to strike this section from the Constitution.

The first section of the ninth article in reference to the Superintendent of Public Instruction, presents an instance in which the framers of the instrument, in a laudable effort to provide for the future, looked too far ahead of their times. The period may come—and we hope it may speedily—when the number of our institutions of learning will employ in their superintendence the whole time of a competent officer. Until then, policy would suggest the abolition of the office, but still the undersigned think that a great exigency should occur to make it necessary to uproot the fundamental law. Does such exigency now exist? We are not clearly of the opinion that it does. The power is reserved to the Legislature to establish a salary for the office, and if its abolition is sought upon the score of economy, cannot that power be exercised to correct the evil? The undersigned would recommend, however, that the office be abolished, and that the Legislature have the power to devolve the duties upon the Secretary of State, or such other officer as it may deem most expedient.

The fourth amendment recommended by the Governor is so unimportant, that even in a pecuniary sense it does not demand especial consideration. The undersigned cannot ask its adoption.

The fifth recommendation of His Excellency asks that the office of Surveyor General be abolished. The undersigned think it inexpedient at the present juncture. The reason assigned for the repeal of the office is economy. We would bring to bear the same arguments on this point as are used in the consideration of the third recommendation. The Legislature controls the salary; and it can, if it is thought the creation of the officer too premature, reduce it to a nominal amount. We do not believe it politic to abolish the office, as the importance and necessity of its existence are becoming more apparent as we progress in the line of settlement and the path of improvement.

The objection to the 8th section of the 11th article, we think could be obviated without a resort to a change in the Constitution. That instrument makes the fiscal year commence upon the first of July, and we think this provision was wisely made. It enables the accounting officers to form more correct deductions of the receipts and expenditures from January 1st to July 1st, by the experience they have acquired in their official relations during the interim of July and January.

The undersigned would recommend that the laws defining the duties of State officers be so amended as to require them to make an additional report of receipts and expenditures up to the latest date practicable; and that the provision relating thereto in the Constitution be allowed to stand in its present form.

The undersigned having thus disposed of the various recommendations of the Governor, beg leave to dwell a moment upon the proposition for holding a Convention to revise or amend the Constitution. They cannot, under the present financial embarrassments of the State, with a depleted treasury and a credit constantly depreciating, recommend the policy of a Convention to the consideration of the Senate; but independent of these views, we entertain other reasons against such recommendation. Delegated power, however carefully guarded, is always liable to abuse. The representative system is adopted as a matter of necessity where, owing to the extent of territory, a

direct vote of the people is impracticable. Whenever and wherever the voice of the people can be obtained, it should be resorted to. The framers of the present Constitution, recognizing this principle, have wisely provided two methods by which the instrument may be amended. Foreseeing the rapid strides of California towards her ultimate high destiny, they have anticipated the discovery of defects in the details of the Constitution, and have provided for the amendment of such defects by a direct vote of the people, and without expense to the State. The defects complained of in the present Constitution are all of the above character, and their remedy is amply provided for in article 9, section 1, of that instrument. These defects and their remedy have been considered in another part of this report. By the constitutional mode there recommended, the people can vote upon each amendment as a distinct proposition. They may adopt some and reject others, as in their judgment may seem expedient. But if we call a Convention the whole instrument is thrown open to revision, and the people will be obliged to vote upon the New Constitution as a whole. It, like the present, may contain defects, which the people will admit rather than reject the whole. The defects must be remedied in the manner prescribed in the new Constitution. The means must be the same in substance as those now within our reach—a vote of the people on distinct propositions; or, after the action of a Convention, on another new instrument.

The 2d section of article 10 provides that if at any time two-thirds of the Senate and Assembly "*should think it necessary* to revise and change *this entire Constitution*, they shall recommend it to the electors at the next election for members of the Legislature, to vote for or against the Constitution." The language of this section, especially when compared with that of the preceding one, shows conclusively that a Convention was not contemplated but in a case of extreme necessity: when it shall be discovered that the system is radically defective; that it requires an "entire change;" when it shall be found so defective that it must be thrown aside and a new one formed; then, indeed, will a Convention be necessary. But what or where are these radical defects? The undersigned are not conscious of any such existing in the Constitution; the advocates of the measure point us to none; we hear no complaints among the people or through the press, of any such defects; and until we do hear of them from some source, we cannot find an argument for recommending to the people to vote for a Convention. The instrument which we have sworn to support, forbids our recommending or even voting for the recommendation of a Convention, unless we "*think it necessary to revise and change the entire Constitution.*" We do not so think. We can see no such necessity. No such defects have been shown to us or pretended; and until we are convinced of their existence, we must dissent from the recommendation of a Convention.

The undersigned can readily conceive a state of things in which a Convention to change the Constitution will become necessary. It was, we doubt not, to this state of things, among others, possible that the framers of the Constitution looked forward when they framed the section under consideration. The change that will then be required will not be one of fundamental principles. These are firmly established in the hearts of the people. The change will be in the extent of territory over which our Constitution shall

reach. The time, perhaps, is not very remote when such change shall become necessary. The undersigned will hail with pleasure that day, when two and even more (and the more the better) sovereign and independent States shall line the coast of the Pacific. But that day has not yet come. Great and unbounded as our resources are, with our present population and our present available sources of revenue, we are not able to defray the expense of one State Government. We are getting deeper and deeper in debt every year. Divide the State, and you cut off one half the more available sources of her revenue and consign her to inevitable bankruptcy. Nor is pecuniary embarrassment the only or the greatest evil that will result from the division of the State at the present time. The part that may be struck off will be still less able to support a State organization than that which will remain. For it there will be no alternative. It must fall back under a territorial government, to a state of pupilage; thus diminishing, instead of increasing, the dignity of the Pacific coast in the eye of the world, and its power and influence in the councils of the nation. Who that has identified his interests with those of California could consent to such a retrogressive step? But we have yet another reason. It is the mission of California to republicanize the Pacific coast—to meliorate the condition of its inhabitants —to plant upon and to extend over it those republican institutions which are the pride and glory of our people and the admiration of the civilized world. Vastly the greater portion of the population of California, who have been reared under the institutions of the Unitnd States, are located in the mineral or northern part of the State. Separate thsee from the rest of the State and you cut off much the larger portion of our choice agricultural lands now in the hands of a few familics, whose early sympathies were centered upon a different system of government, and political and social relations. The sparseness of their population and the extent of their possessions would make the support of a State Government a burthen too heavy to be borne. They have had, before the acquisition of California by our Union, but little experience in the burthens of taxation, and would naturally shrink from them. They would prefer a territorial government, free of cost, to that of sovereign State at their own expense. Thus relieved of taxation, they would have no inducement to diminish their estates, or to curtail the extent of their possessions. Their lands would be waste, increase of population would be slow, the development of our resources tardy, and the progress of our mission greatly retarded.

For the above reasons, and many others which time will not permit the undersigned to enumerate, they cannot at the present juncture recommend a Convention.

All of which is respectfully submitted.

JAMES W. COFFROTH,
CHARLES F. LOTT.

MINORITY REPORT

OF THE

SELECT COMMITTEE ON THE CONSTITUTION.

The committee, to whom was referred that portion of the Governor's Message relative to various amendments of the Constitution, have not been able to agree in opinion about the matter, and the undersigned begs leave to present this Report in regard to what they have had under consideration.

Amendments to the Constitution of any State are not to be desired, unless upon extraordinary occasions, and under circumstances of such a nature as to fully justify the step.

On the 1st of September, 1849, the Convention for the formation of a State Constitution met at Monterey, in pursuance of a call from General Reiley, then acting Governor of the Territory of which this State has been made. It will be perceived that it is but little more than three years since the Convention met, and on the thirteenth day of October, of the same year, they concluded their labors. In that Convention were to be found men from nearly every State in our Union, and some from Europe, representing the peculiar principles, in detail, of the Constitutions of the various States of which they were formerly members.

It is supposed that a body of men never assembled together upon any occasion who more fully understood and more freely represented our country. The North, the South, the East and the West, here met upon a level, and acted upon the square.

Assembled for the purpose of quickening the germ that had already given promise of a brilliant birth and infancy, each member looked forward with pride to the day when she would be permitted to take her position in the starry constellation where she now shines as bright as any of her sisters.

With full faith that the Constitution which they had made was just what the country required, they returned to their homes with joy and pride, satisfied that a bright future was in store for all who choose to make these distant shores their home.

Their labors were approved by their brothers in the East, and the West, and the South, after a stormy debate. Great men were arrayed against each other, and fearful was the contest. It was not a contest between two powerful men! It was not a contest between two great armies! It was a contest between one portion of a great family and another portion. It was the great commotion of a nation of people, now filled with hope and then subdued by fear; guided in the storm by a few master-spirits who brought the ship of State out of danger and safely moored her in the harbor of the Union. Into the arena during the fearful struggle was thrown a pearl, either to be trampled under foot by the combatants, or to be raised up and placed in the diadem of our Union. It was a glorious day when she was placed in that diadem! *Although*, had she been rejected, she would not have shown less brilliantly from her solitary position. It has been said that the Constitution of this State was adopted by a very small number of people. True, the number was small. But when we take into consideration the inclement state of the weather on the day of the election, which was the 13th day of November, 1849, when one of the worst storms ever experienced raged throughout the country; the people were not backward about attending to the call—15,000 votes were polled, out of which 12,061 were for the Constitution, and 811 were against it; this was a sufficient test that the people fully appreciated the work of the Convention. It is true that this vote, in comparison with that polled this year, may be considered small; but still it was the sentiment of nearly the whole people, and was entirely the result of the unbiased and deliberate opinion of those who were most interested in it. No attempt was made to control or mislead public opinion in relation to the Constitution. No candidate sought success by either an ardent advocacy of its merits, or a broad denunciation of any of its provisions. The three newspapers published in the country did not feel called upon to aid it, further than to publish it with a simple recommendatory paragraph, and no member of the convention urged its adoption with improper zeal. The truth is, that no political result in the history of any nation is more surely the honest expression of a public opinion founded in reason, reflection, and deliberate judgment, than the ratification afforded by the people of California to their Constitution; thus said the memorialists. We have yet to learn that a change in the Constitution will effect the objects desired by many, as regards reducing the expenditures of the State. The Governor points out one method, but this, in our opinion, is not the legitimate course to pursue, although we partly concur in the recommendations, for the want of other available remedies, that cannot be reached at present. Persons in pursuit of political favor or position are prone to overlook the legitimate means by which many difficulties may be surmounted, in catering to the wishes and feelings of particular sections of a State or country. The application of this portion of the report is intended to be general, and not directed to any particular individual. The burdens of Government should fall equally upon all; and when such is not the case, one of the chief pillars that support our

political fabric (justice) *seems* erected for admiring thousands to gaze at instead of being their support. To observe the manner in which men legislate, (and legislators be they who they may are only men,) we should naturally be led to the conclusion that there was no truth and no falsehood in political science.– How otherwise can we explain the circumstance that laws are perpetually undergoing a process of change? A law enacted only a few years since, is now found to be incorrect—so bad in fact that it must be abolished. In that law perhaps the interest of thousands, nay millions were involved, for its powerful effects may be felt by after generations. Yet, notwithstanding, legislators are allowed to make these vast experiments with the property and the liberties of the people, on no surer ground than *opinion*, which in the great majority of cases, is merely belief without evidence. There is a diversity of opinions about the propriety of amending the Constitution of this State. Some think that it has not been freely tested; others say that our State organization has not yet been extended over the most populous portion of the State, viz: the mining counties. Where diversity of opinion prevails, there must be ignorance on one side or the other, or on both; and bold would be the man who in *politics*, should assert that he had so completely mastered all truth that all men ought to come over to his side. And yet there must be a truth somewhere; and as knowledge does not admit of diversity of opinion if every man can have a system of politics other than empirical, diversity of opinion must disappear from politics; this we cannot yet expect. We must still go on blundering, until our very acts themselves become a burden unsupportable; then we seek relief, and advance another step towards a more perfect system. No one will pretend to say that we are not a progressive people. Although we frequently take a step backward, we immediately advance again on discovering our error. A retrograde motion is frequently taken, not from ignorance, but by the efforts of designing men, who look further into the political future, than those whose occupation will not allow them to practice political tricks or traffic.

In looking over the report of the Comptroller of State, we find the amount of revenue derived from various counties, as compared with the population, as follows:—

COUNTIES.	Population.	Total Tax each County.	Agricultural amount per each inhabitant.	Mining amount per each inhabitant.	No. of votes in each County.
Butte,	8,572	$10,909 03		$1 40	3,219
Colusi,	620	3,939 40	$6 19		1,457
Contra Costa,	2,745	11,455 77	4 17		1,003
Calaveras,	20,112	5,699 25		28 3-10	5,138
El Dorado,	45,000	14,867 70		33	11,252
Los Angeles,	7,831	8,191 70	1 04		1,072
Klamath,	530	983 65		1 05	427
Marin,	1,036	3,510 67	2 51		282
Mariposa,	8,969	6,525 82		72 7-10	2,146
Monterey,	2,728	5,125 90	2 21		327
Napa,	2,116	4,807 24	2 27		478
Nevada,	21,365	6,719 30		31 4-10	5,474
Placer,	10,784	10,563 85		98 3-10	5,106
San Francisco,	36,151	180,965 86	5 52		8,408
Sacramento,	12,589	27,954 08	2 22		6,924
San Joaquin,	5,029	9,843 41	1 34		2,357
Santa Clara,	6,664	9,876 45	No poll 1 48½		1,626
Santa Barbara,	2,134	3,237 06	1 51		172
San Luis Obispo,	984	1,598 25	1 62		123
San Diego,	2,932				212
Solano,	2,835	Poll tax 570 26			663
Sonoma,	2,337	5,862 54	2 50		741
Sutter,	1,207	2,282 28	1 88		419
Shasta,	4,050	3,331 03		82 2-10	1,723
Tuolumne,	17,657	8,512 69		48 2-10	5,673
Trinity,	1,764	2,942 31		1 66	1,403
Santa Cruz,	1,219	4,207 18	3 44		492
Yolo,	1,307				750
Yuba,	22,005	10,586 71		48	4,276
Sierra,	4,855				2,967
Mendocino,					not organized.

From the preceding table which has been prepared with some labor, it will appear that the county of Calaveras, with a population of 20,112 persons, has 5,138 voters, and pays a tax of 28 3 10 cents per head for each inhabitant; while San Francisco, with a population of 36,151 persons, has 8,408 voters, and pays a tax of $5 32 per head for each inhabitant.

Sacramento with a population of 12,589 persons, has 6,924 voters, and pays a tax of $2 22 per head for each inhabitant; while Tuolumne with a population of 17,657 persons, has 5,673 voters, and pays a tax of 48 1 5 per head for each inhabitant.

This disproportion holds good between nearly all of the agricultural and mining counties, and it is to this inequality, that we must impute the want of sufficient revenue to carry on our State Government. The reduction of our expenditures recommended by the Governor, cannot reach the evil complained of, and all intelligent men, whether miners, agriculturists, or merchants, must, with the array of facts and figures which we have set before them, come to a similar conclusion. It appears from the exhibit made by the Governor, that the difference between the receipts

and expenditures of the State amount to 659,063 38. In view of reducing the expenditures of the State, the Governor has been induced to recommend amendments to the Constitution. We believe that the desired object (viz increase of revenue or diminution of expenditure) might be obtained in a safe and more legitimate manner than that of abolishing all the offices mentioned in the message. It is true, as his Excellency says, that a large and intelligent accession to our numbers, which has accumulated since the adoption of our existing Constitution, should be permitted to speak and have its influence in shaping the character of our institu tions; and at the same time that he advocates the propriety of hearing these people, he should bear in mind that equal taxation is also a principle which obtains in our Government as well as that of any other. It will be perceived from the tabular statement which follows, how the matter stands in a certain number of counties which have been selected, so as to make the number of inhabitants in the aggregate, to bear nearly a like proportion to a certain number of other counties. But from the haste in which the report has been made up, in consequence of the multiplied duties which we have to perform in various committees, it has not been prepared with that care and deliberation that your committee deem the subject worthy of.

The following statement will show the average amount of tax per head to each inhabitant, according to population and taxation in a certain number of mining counties, and a certain number of agricultural counties:

Mining Counties.	Population.	Tax per head.	Agricultural Counties.	Population	Tax per head.
Butte, - -	8,572	$1 40	Colusi, - -	620	$1 19
Calaveras, -	20,112	28 3-10	Contra Costa, -	2,745	4 17
Klamath, - -	530	1 95	Los Angeles, -	7,831	1 04
Placer, - -	10,784	98 8-10	Marin, - -	1,036	2 51
Shasta, - -	4,050	82 2-10	Monterey, - -	2,728	2 21
Tuolumne, -	17,657	48 2-10	Napa, - -	2,116	2 27
Trinity, - -	1,764	1 66	San Francisco, -	36,151	5 32
Yuba, - -	22,005	48	Sacramento, -	12,589	2 22
			San Joaquin, -	5,029	1 34
	86,374	$8 05	Santa Clara, -	6,664	1 48
			Santa Barbara, -	2,131	1 51
			San Luis Obispo,	984	1 62
			Sonoma, - -	2,337	2 50½
			Sutter, - -	1,207	1 88
			Santa Cruz, -	1,219	3 44
				83,329	$39 70
Amount of tax per head, $1.			Amount of tax per head, $2 64		

By this exhibit it appears that eight mining counties, with a population of 86,374 persons, pay taxes which amount to $1 per head for each inhabitant, man, woman and child. And that fifteen agricultural counties

with a population of 83 329 persons, pay taxes which amount to $2 64 per head for each inhabitant, man, woman and child.

The agricultural counties mentioned, with a less population than the mining counties mentioned, pay $1 65 more per head for every man, woman and child, than the mining counties. This is vastly out of proportion, and there is no argument that can sustain any one in holding it to be just. We cannot imagine that our own people who live in the mines, would consent that we should foot their bills.

We cannot imagine for a moment that gentlemen of talent and intelligence could exact from others, that which pays for their privileges. No, sir, they are not aware of the condition of affairs in this State as regards taxation, and they would scorn any imputation that might be made to cast the odium of neglect to do their part to support our Government, of which we all share the privileges and blessings alike. It is no part of the American character to be dependent upon any men or class of men. Now, then, for the cause--the Governor recommends amendments to the Constitution, abolishing various offices, and making reductions that will reduce the amount of our expenditures $512,700. The undersigned, a portion of the committee to whom was referred this matter, have, to some extent, concurred in the recommendations, but not to the extent recommended. They concur in the following only:

The recommendation of Biennial Sessions will, according to the Governor's statement, made a reduction of $170,000; abolishing the office of Superintendent of Public Buildings, $4,000: also that of Public Instruction, $1,500. These three items will make a reduction of $178,500.—This amount taken from the expenditures, $1,093 213, will leave the sum of $813,713: from which take the receipts, $432,150 and it will still leave a deficiency of the sum of $379,563.

It is our opinion that the policy recommended by the Governor cannot be carried out so as to accomplish the object desired, and that some more certain and stable system or method must be adopted, to secure such an amount of revenue as will meet the current expenses of the Government. How is this to be done? There is but one method or plan, and it is a legitimate one, and one that no good citizen can object to; for we are sure that all our people are willing to bear the burdens of Government, and let the weight fall equally upon all. It is therefore recommended that the Legislature take immediate steps to have the General Government place the mineral lands upon the same footing as the agricultural lands; and that miners be allowed to locate and hold any claims that they may have made under such rules and regulations as they may choose to adopt at a general convention of miners. The policy of the Government in holding or reserving mineral lands for rent or lease, is one that is not supported by the Constitution of the United States.

The General Government acts in the capacity of trustee or agent for the people, and the Constitution says plainly what control the General Government has over the public lands. The time is fast approaching when a new order of things will exist in the mining districts. The people throughout the State are becoming sensible of the importance of railroads; there is nothing in which those engaged in quartz mining are more directly interested, than the construction of railroads leading from some shipping point, say Sacramento City, Stockton, Marysville or Beni-

cia, into the various quartz regions, not only to carry provisions to the miners, but to convey the quartz rock from those regions to a point of embarkation. Ores are shipped from South America to Europe, and a profitable business made of it in consequence of the cheapness of labor, and various articles used in extracting the metals, to say nothing about many other advantages to be obtained there, which we cannot expect to have the benefit of in this State for years to come. The copper ores of the Island of Cuba are shipped to Baltimore and there smelted. yielding a handsome dividend to the stockholders of the company. When we take into consideration the immense amount of money, time and labor, that the quartz miners would save by such a change in the business, we are not a little surprised that the matter has not been agitated before.— When railroads are constructed from various points in the mining regions, and the quartz rock is brought down to Sacramento City, Stockton or Benicia, agents will be found there from Europe and the Atlantic States, to purchase it from the miner He will receive his money and purchase such articles as he may need, and return to the scene of his labors.

The outlay of capital that will be necessary to carry on such a system of labor in the mines will be small, thus placing it within the power of two or three men to commence a business that will pay them well, and give them sure and prompt returns for their labor.

No expensive machinery will be required to carry on the work; no more labor than would be necessary to blast the rock would have to be performed, and many claims would be worked that are not now touched, in consequence of the inability of the miner to obtain the necessary amount of capital to erect machinery.

Such a state of affairs would result from the construction of railroads, and a new impetus would be given to mining and all branches of trade, in consequence of the advantages that would necessarily accrue to the poor man without capital.

No one can fail to see the advantages resulting from the construction of railroads, and no portion of our community are more directly interested in their construction than the miner.

This subject could be carried to a greater length, and statistics could be given relative to the expense of getting out the rock, and the cost of transportation and shipment of it, together with tables of the average value of the quartz rock throughout this country, which will satisfy the most fastidious that the advantages resulting from it are incalculable.

We cannot enter into a full and elaborate statement in regard to the advantages which will result from the system of roads spoken of, but have ventured to say thus much to show the importance of having the titles to property claimed by miners, settled and permanently fixed in those who work them.

There are numerous claims that could be worked for many years—not one year, nor two, but twenty, or perhaps more. Is it wise that no definite title to a mine should be vested in any person during all this time? We think not; and if the miner has a title to the property he becomes fixed and settled in a home, and takes that interest in the affairs of State that every good citizen must feel.

This must sooner or later be the case, and the sooner it is effected the sooner will the miner be benefited by the result.

This will also establish a permanent population in each of the mining counties; it will increase the revenue of the State, and in the end, be found the legitimate method of accomplishing the object desired by the Governor.

J. R. SNYDER,
One of the Committee.

MINORITY REPORT

OF THE

SELECT COMMITTEE ON THE CONSTITUTION.

Mr. President:

The undersigned, a member of the Select Committee to whom was referred so much of the Governor's Annual Message as bore reference to and recommended certain amendments to the Constitution, has duly considered the subject, and dissenting with much regret from the opinions of his associates, in many material respects, very respectfully offers the following report:

The Committee, after consultation, concluded that their duty was not confined strictly to a consideration of the amendments mentioned in the message, but that their province extended to a careful examination of the whole Constitution; and, moreover, that they were at liberty, if deemed advisable, to recommend any other mode of altering the Constitution than the one pointed out by the Governor.

Feeling assured that the conclusion of the committee was clearly correct, I have availed myself of the latitude allowed, and herein humbly advise a course of policy different from that recommended in the message.

With all due respect for the exalted source, whence the recommendation flows, I will be permitted to express the opinion, that the system of separate and individual amendments, in the present case, will not fully reach the evil sought to be remedied, or accomplish the advantages desired to be attained. It is thought, with much reason, that the only method by which the exigencies of the case can be met, is that of holding a convention for an entire revision of the Constitution. By this, it is not meant that it is necessary or proper to change *each* and *every* clause and section of that instrument, but that many important amendments should be made, and that those amendments would call for many minor changes, requisite to preserve the consistency and harmony of the whole.

The plan of simply *amending the Constitution*, was evidently intended to be pursued, when one, two, or very few amendments were necessary. The Governor recommends as many as *six* material amendments, and if one of these were adopted, several other changes of less importance would be demanded, to make all parts correspond; and it cannot be denied, that many other amendments can be made, with decided advantage to the government and the people. If the system recommended by the Governor, and in part endorsed by the other members of the committee, is adopted, what would be its first natural tendency and effect? The Legislature, assembled exclusively for purposes of legislation, would be in effect transformed into a *State Convention*, for the revision of the entire Constitution. At an expense of more than *one thousand* dollars per day, many weeks would thus be consumed in considering and discussing the numerous changes proposed, while the legitimate business of the session would be neglected, and the immediate wants of the people disregarded. This would inevitably be the result, in the present case; if the mode should be followed, which is recommended by the Governor, and prescribed in section one, article ten. Such a state of things was certainly not anticipated or designed by the framers of the Constitution, as abundantly appears by their providing in the following section of the same article, for the revision and change of the entire Constitution. The difficulties and inconvenience growing out of the adoption of the *system of amendments*, where numerous amendments are necessary, being apparent at a glance, let us see if it possesses any advantages over the other mode, herein suggested, and provided for in section two, article ten of the Constitution. It has been asserted, that it is the speediest and surest method of arriving at the end in view. This is, in the main, an egregious error, which is evident to any one who has read the article prescribing the mode of amending and revising the Constitution. In point of *time* there is but very little, and there need not be any, difference in the two plans advanced. It is not the *surest* plan, because all amendments agreed upon by one Legislature, must be referred to the "Legislature then next to be chosen," and be again approved before they can be placed before the people. After much discussion, the first Legislature may settle upon certain amendments, which may, after equally as much discussion, be disapproved by the second Legislature, and thus, so far from their being a certainty in the plan, the object may be entirely defeated. Again, it is thoughtlessly urged that the system of amendments is more *economical* than the plan of calling a convention. This cannot be so, because the expense of discussing various amendments is the same, whether it takes place in the Legislature, or in Convention, and as the consideration and discussion must occupy the time and attention of *two* sessions of the Legislature, the expense is necessarily *double* that of holding a Convention. With profound regard for those who entertain contrary views, it is suggested, that the halls of the Legislature is not *the proper place* for the discussion of constitutional amendments, especially where many are proposed. Every State in the Union, under similar circumstances, would refer the whole subject matter to a State Convention, and why should not California pursue the same line of policy? Where numerous amendments are demanded, is it not the wisest course to consult the people upon the subject? Is not such a policy in strict accordance with the doctrines of true democracy? Why should not the people be asked the question, "will

you have a Convention or not?" To this extent only do I propose to go. If a bill is introduced, which merely recommends to the people "at the next election of members of the Legislature, to vote *for or against* a Convention," how, in the name of reason and right, can any Senator refuse to cast his vote in favor of it? When Senators vote for such a bill, they do not thereby vote "for or against" a Convention, but simply vote in favor of granting to the people the privilege of voting "for or against" it. But when Senators vote against such a bill, they not only exhibit opposition to a Convention, but clearly manifest an unwillingness and a "holy horror" of entrusting the question to the discretion and intelligence of an enlightened people. It is said, that the people do not want a Convention. How is this conclusion arrived at? Is the fact, that a sweeping majority of the last Legislature, and almost every member of the present one is in favor of calling a Convention, claimed as evidence of the assertion? Perhaps not. If it is true that the people do not desire a Convention, they will vote against it, and there will be no Convention. If, on the contrary, they are not only willing but anxious for a Convention, how great the wrong committed, by refusing them the paltry privilege of expressing their wishes at the ballot-box. It remains to be seen, how the ingenuity of Senators can avoid the true issue presented by a bill democratic in principle, having for its object a fair and unshackled expression of the people's will. Let it be remembered, that the objection of the expense attending a Convention, even were it well founded, cannot be brought to bear against a bill "recommending the people to vote for or against the Convention," for here there is literally *no expense*. By its provisions, the electors are recommended, at the next general election, to write or have printed on their ballots, the words "For the Convention," or "Against the Convention." Senators, who are in principle opposed to a Convention, can very consistently vote for such a bill, and afterwards urge their objections, when the question is submitted to the people.

The friends and advocates of a Convention will then be ready (as indeed they are *now*) to discuss its merits, freely, fairly, and dispassionately. When the issue is properly before the people, the time will then have arrived, and not until then, for the advocates and opponents of a Convention to present their reasons and array their arguments for and against the measure. The whole subject will then be thoroughly canvassed, and every elector in the State will be fully prepared to vote understandingly, with an unclouded conception of all its bearings. But as the opponents of this movement may be disposed to enter into its premature discussion, a failure on the part of its friends to meet them on the threshold of argument, might be construed, by those who honestly doubt and hesitate, into an evidence of the weakness of the cause. From this consideration alone, it will not, perhaps, be deemed ill-timed or improper, through this medium, to set forth, in a plain and unvarnished manner, some prominent reasons in its support, and to answer in a spirit of fairness and candor the principal objections advanced.

CONSTITUTION—TIME AND MANNER OF ITS FORMATION.

The existing Constitution was framed at a period when but few men bestowed serious thought or calm reflection upon its provisions. At that time

the population, with the exception of the native Californians, was a confused mass of strangers, who had flocked to the country from all parts of the Union and every section of the world to gather gold. The determination of all was the same—to accumulate wealth as rapidly as possible, and to return back from whence they came with the glittering treasure. But very few of this class felt any interest in California, and did not care a "jot or tittle" whether they pursued their avocations under a State Government, a Territorial Government, or no Government at all. They did not expect to remain here longer than absolutely necessary for their pecuniary purposes; and it was, therefore, a matter of no importance to them what form of Government was established, or how that Government should be conducted. The native Californians were the only body of men who really entertained a strong and sincere interest in the movement going on. They were a noble race of men, and looked to the permanent prosperity of the cherished land of their birth; but although they possessed education and rare intelligence, they knew nothing of the chicanery and manœuvering tactics of their Anglo-Saxon brethren, and were consequently outwitted and defeated in their object of forming a Territorial Government. There is no doubt that an economical Territorial Government would have been at that time best adapted to the condition of the country and the wants of the inhabitants. The native Californians were the true patriots, and advocated a form of government suited to the times and circumstances; but the Anglo-Saxon politicians, who moved the wires, were ambitious of official honors, and therefore urged the adoption of an unwieldy and expensive State Government, which created offices, many of which were utterly useless and unnecessary. Had a simple Territorial Government been then adopted, we would not now be burdened by an immense and daily increasing debt. Fortunately, I have been favored with an extract from an unpublished manuscript, upon this branch of the subject, by a distinguished Senator from a southern district of the State, (Mr. Roach,) which I insert without further comment:

"When the Convention assembled at Monterey, in 1849, it was to take into consideration the formation of a State or Territorial Government. Some seventy-three members were elected to it, but there only appeared and qualified some forty-eight members, and I doubt if, on any important provision, a majority of the whole number elected ever voted in favor of making a State Constitution. Unless the absentees be classed as voting with the majority present, there was not a majority in its favor. *Every county* south of San Francisco at this day is opposed to living under the present Constitution, and this feeling is not of recent origin. It existed before the Convention adjourned, and time has but added to its strength. This feeling displayed itself in 1849, and in 1853 we find it even stronger. The people of the southern counties were in favor of a territorial form of government; and when it was proposed to adopt a State Constitution, a portion of their representatives proposed withdrawing: all would have done so, had they better understood the interests of their constituents. There were, however, other influences at work, and collateral questions, of importance only to particular individuals; and a particular section decided the matter, and not the interests of the people. Every southern county would give at this day a majority in favor of a repeal of the present Constitution, and they would have opposed its creation in the Convention, had not

the location of the seat of Government at San José induced the Delegation of Santa Clara, and a few members of other counties, to remain. Between them there was a *transaction*—one wished for the Capital, and the other for office. The Spanish members proposed withdrawing from the Convention. But they were persuaded to remain; and the argument was used, that although their people preferred a Territorial Government, that when the majority preferred creating a State, that they would not be justified in withdrawing. This was the first lesson that the Californians received in political tactics; and its disastrous consequences have left their marks upon every southern county. Had they left the Convention, there would have been no quorum;—for out of seventy-three elected, forty-eight only appeared; and the southern members withdrawing, would not have left thirty-seven members to form the Constitution; and the southern counties not represented, could not have been included under its operation. It is well known that no sectional issue of the older States produced this opposition to the formation of a State Government; and it is well known now that no such question influences those people in asking for a change. They feel that they were deceived and wronged, and that the compromises that they made have been violated in letter and in spirit. The southern counties, in that convention of forty-eight members, had twenty-three representatives; and on the question of how the expenses of a State Government were to be borne, an equal system of taxation was to be made. Property was to pay a reasonable tax, and to make up the deficiency, the polls of all were to be assessed. It was said that this tax would be equal to the value of one day's labor; and that at its California price, it would be more cheerfully paid than in the older States, for here labor is more constant and more productive. Property was to be taxed $2 50 per thousand. What has been the result? The poll tax has not been collected in the mining districts, but to a very small extent; while in the agricultural sections the payment has been very rigidly enforced."

Extraordinary haste was exhibited in "this race of empire," which many of us, in these "modern times," are at a loss to account for. But little more than five months elapsed from the time the proclamation for an election of delegates was issued by General Riley, until the country was forced from "a chrysalis state" into a sovereign State. The records of the election returns, in the office of the Secretary of State, conclusively establish the fact, that the masses were in no wise interested in the scheme of forming a premature State Government. On the 13th November, 1849, the Constitution was submitted to the people, and out of the immense number in the country, only eleven thousand two hundred and ninety voted for its adoption. How many of those who then cast their votes are still in the State? In all probability not more than *one thousand*. Some of them are dead, and many of them have returned to Oregon or the Atlantic States, and a few to their homes in foreign lands.

The sacred nature of the organic law of the land should be respected, so long as it exists, but there certainly is no sacrilege committed if eighty thousand permanent voters should seek to substitute a new Constitution in the place of one given to them by the votes of eleven thousand transient inhabitants. This view of the subject is sustained in the following forcible language of the Governor's Message:—"When we consider the period and circumstances of the adoption of our present Constitution, it is not mat-

ter of astonishment that experience should have disclosed its imperfections. Coming into existence at an early and unsettled stage of our political history, when our population was sparse, unstable, and possessed little or no identity with the permanent interests of the State; when our wants and resources were as yet undefined and undeveloped; when the diversified adaptations and necessities of the various portions of the whole were unknown, and all was confusion and excitement;—it would, indeed, present an instance of almost superhuman sagacity, should its provisions be found to afford a solution for all the exigencies of the future. The immense augmentation of our population; the rapid and mighty changes in our habits and pursuits; the more matured and staid condition of society, independent of its intrinsic defects, would seem to demand that the basis of our system should be remodeled and adapted to present emergencies.

It is but justice, too, that that large and intelligent accession to our numbers which has accumulated since the adoption of our existing Constitution, should be permitted to speak and have its influence in shaping the character of our institutions.

I am not an advocate of frequent and sudden changes in that system of law and policy by which a people are governed. But when a State exhibits the spectacle which is presented by ours, of having grown up from infancy to manhood, as it were in a day—when, in the short space of three years, we have risen from a wandering and adventurous population of not more than fifty thousand, devoting themselves rather to the acquisition of wealth than the formation of a plain, free, and frugal government—to some three hundred thousand orderly, moral, industrious, intelligent, and permanent citizens, who are indissolubly associated with the welfare and prosperity of the State; and especially when radical and serious defects exist, duty, wisdom, and prudence dictate that an effort be made to remedy those deficiences and errors, and that alterations in our earlier organization, comporting with the change of circumstances, be effected."

AMENDMENTS.

Under this head, the numerous defects in the existing Constitution will be briefly adverted to. An extract from the Message under consideration will better elucidate the necessity of the amendments referred to, than aught that can be here said. The Governor recommends to the Legislature that steps be taken,—First, for amending the second section of article fourth of that instrument in such a manner as to provide for biennial instead of annual sessions of the Legislature, and those sessions not to exceed ninety days in duration. When the advantages and disadvantages of annual and biennial sessions of legislative bodies are impartially compared, the preponderance of benefit will be found to be clearly on the side of the latter. It is true, that by way of speedily curing existing defects in our laws, and of applying a remedy to cases of pressing and importunate demand, the yearly assembling of the Legislature may afford advantages; but, on the other hand, when we reflect on the expenditures of public money necessarily attendant on these sessions;—on the evils of that government whose laws are undergoing continual and rapid changes

and that in cases of absolute necessity, it is in the power of the Executive to call extra sessions, the argument must be admitted to be in consonance with the proposed amendment.

Such an alteration in our Constitution will effect a saving to our treasury of two hundred thousand dollars annually. An item of such importance, in our present condition, must command the most careful investigation of the Legislature, and to it I invoke your most serious deliberations.

It is a fact of no slight importance, that many of our sister States, after having tested the system of annual sessions, amended their Constitutions as now recommended; but no instance can be found in which the reverse is the case. The States of Missouri, Illinois, Georgia, Alabama, Mississippi and Kentucky, have of late years amended their Constitutions in this respect.

Second · That the twenty-eighth section of the fourth article of theConstitution, be repealed, and the taking of the census of the State be left to be regulated by law, or that it be so amended as not to require that work to be done in the year 1855.

The taking of the census of a State so extended as ours, is a weighty and expensive operation, requiring much time and labor and a great outlay of money, and should not be required more frequently than actual necessity demands. During the past year it has cost some one hundred thousand dollars; and as it is an affair of questionable utility, it is to be hoped that it will not be so soon repeated as the Constitution requires.—The census will be again taken by the United States Government in the year 1860, and that which has just been completed may, without inconvenience, be acted upon until that period.

Third: That the first section of the ninth article of the Constitution be repealed, and the duties of the Superintendent of Public Instruction devolve upon the Secretary of State, or upon Commissioners to be chosen by the people of each school district or township.

The office of Superintendent of Public Instruction, as a distinct department, is of very doubtful necessity, as an original question; and if, under any circumstances, it were desirable, can now with propriety be dispensed with, and thus relieve the Treasury annually to the amount of the salary and contingencies of that office. In adopting the policy proposed, we follow the example of a large majority of our sister States on this interesting subject. On examination, it will be found that more than two-thirds of the members of the confederacy have, after mature experience, in some of them, finally settled down on the measure advocated by this amendment. The States of Vermont and Wisconsin are the only ones which have constituted this a separate and independent office; New York, Massachusetts, Illinois and Pennsylvania have merged the duties of this office in that of the Secretary of State; Indiana has placed them in the hands of the State Treasurer; Connecticut, with the State Auditor; and Maine, New Hampshire, Louisiana, Mississippi, Alabama, Florida, Georgia and Missouri have divided them out among Commissioners elected by the people of the various school districts. Such commanding precedents should not be disregarded by us.

The fundamental law of government, which can only be changed after long and strenuous effort, it would seem, should be confined to provisions for great and admitted principles and measures, and leave the ways

and means of carrying those great truths into effect to the wisdom and patriotism of the legislative power, acting under a knowledge of the peculiar circumstances of the times.

Fourth: The twenty-fifth section of the fourth article is equivocal and doubtful in its construction, and would seem to impose a novel, unnecessary, expensive, and, as it has been sometimes acted on, inoperative duty. It provides that, in order to revise or amend an act or section, the act or section proposed to be amended must be re-enacted and re-published at length.

This requisition increases considerably our printing expenditures, and from the useless labor required, is frequently disregarded in practice; thus at one and the same time teaching us to evade the solemn injunctions of the Constitution we have sworn to support, and uselessly enhancing the demands upon the Treasury.

I therefore recommend that the portion of this section liable to these objections be repealed, and that the section be left to read—"every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Fifth: That the eighteenth section of the fifth article of the Constitution, providing for the election of Surveyor General, be amended, and that the whole matter of the necessity of appointment or election of such officer be confided to the Legislature. The reasons for this recommendation are the same as those which obtain in the case of the Superintendent of Public Instruction.

Sixth: The eighth section of the eleventh article provides that the fiscal year shall commence on the first day of July. I recommend that this section be so amended as to make the commencement of the fiscal year on the fifteenth day of December. The reasons for this change will readily present themselves. Under the existing provision, the Legislature which assembles on the first Monday of January, cannot obtain satisfactory information from the annual reports of the Comptroller and Treasurer as to the condition of the State finances, after the first day of July preceding. And, consequently, it becomes necessary for this information to be obtained by special resolution, always at great expense of time and labor to those officers. If the change suggested, however, were made, the reports of these officers would display the condition of our finances up to the fifteenth of December, and be much more satisfactory.

The sixth and last recommendation of the Governor is correct in principle and founded in reason, but it may be slightly varied, in regard to the time, with much advantage. The experience of the severe winter of 1849 and 1850, and the present inclement season, has satisfied the minds of many that section 2, article iv, should be so amended as to change the time of holding the sessions of the Legislature. They are now required to be held on the first Monday of January, and the representatives of the people are now compelled to leave their homes, in the midst of winter, while heavy rains and drifting snows prevail, to journey to the Capital. The members from the mining counties particularly, cannot travel at this season without much trouble and even considerable danger. This is the *fourth* week of the present session, and yet, on account of snows in the mountains, the member from Siskiyou has not been able to reach the seat of Government. How strange that "the fathers," who assembled at Monterey in the *summer*

of 1849, should have fallen into such an error! The Legislature could convene with much more convenience and comfort, and much less expense, at some period of the autumn. The *second Monday of September* is doubtless the best time to meet in legislative session. In this event the fiscal year, for the reasons assigned in the message, should very properly commence on the *first* Monday of September.

The first amendment recommended by the Governor for the substitution of biennial instead of annual sessions of the Legislature, needs no additional argument to show the absolute necessity for its adoption in the present embarrassed affairs of the State. This being done, however, section after section must be changed, if the symmetry and consistency of the instrument is preserved. If we have *biennial* sessions, members of Assembly should be elected every second year instead of annually, and Senators should be chosen every fourth (instead of every second) year. The term of office of the Governor, and other executive officers, should be fixed at four (in place of two) years. One or two other changes would naturally grow out of this single amendment.

The *fifth* amendment recommended by the Governor, which is intended to abolish the office of Surveyor General, and confide the matter entirely to the Legislature, is without doubt very desirable. But this amendment will positively call for as many as *three* other minor *changes*. Hence the necessity of *a revision* of the entire Constitution is apparent, else that instrument may become, by means of indiscriminate amendments, a patched-up assemblage of inconsistencies.

The Governor, notwithstanding his deep research and far-seeing perception, has overlooked many other amendments of equal, and some of them of much greater, importance, than any he has brought to our notice. For instance, by section nineteen, article five, the office of Secretary of State is filled by appointment of the Governor. That this should be altered no one will be so hardy as to deny, for the reason that the Secretary of State, who is designed to be, in a considerable degree, a check and restraint upon the Governor, (as well as other executive officers,) is in fact the *creature* of his will and a mere tenant by courtesy. One executive officer should be entirely independent of all the others, or he cannot reasonably be expected to discharge his official duties, without fear, favor, or affection. The Constitution should be so changed as to leave the choice of a Secretary of State to the people. Certainly the people are better qualified than the Governor, and more justly entitled, to select and decide upon the merits of this public functionary. Then let the office be elective. This leads, by easy transition, to the subject of executive patronage. There is nothing, perhaps, in the whole range and scope of Government so dangerous to the rights and so injurious to the interests of a people, as the lodgment of enormous patronage in the hands of the Executive. By the present organic law, no restriction whatever in this respect is placed upon the Legislature. That body may create, from year to year and from day to day, a host of unnecessary offices, at the same time bestowing the power upon the Governor of filling them by appointment. It is true, that in forming a Constitution, the discretion of providing new offices must, perforce, be left with the Legislature; but by all means a provision should be inserted, making *all* offices created by the Legislature *elective* by the people. In this important particular, our

present Constitution is wofully defective. In this connection it may be properly urged, that section third, article seven, should be so modified as to place a reasonable limitation upon the power of the Governor to call out troops "to suppress insurrections and repel invasions." Under this clause, brief as it is, the State has incurred a war debt of more than *seven hundred and seventy-one thousand dollars*. How soon additional thousands may be added to swell the aggregate, by virtue of this provision, it is beyond our capacity to foresee!

The propriety of abolishing the Court of Sessions seems to be generally acquiesced in, it being deemed unnecessary and expensive. The Judicial Department may be materially changed in other respects, with decided advantage to litigants, and much less expense to the State. But while all who have witnessed the operation of the judicial system are convinced that it is not founded in wisdom, and fails to serve the ends for which it was established, various opinions prevail in regard to the best mode of amending it. The various plans proposed will be fully canvassed in a State Convention, and doubtless the most wise and judicious selected. Another amendment is of too much importance to pass by unnoticed. Section thirty-one, article four, inhibits the law-making power from passing a special act of incorporation, except for municipal purposes. This restriction should be taken off. There is no country on the globe which is better adapted to the doctrine of unrestricted *free trade*, than is California, yet we here find an enactment in our primary law, of which the direct effect is to shackle the spirit of enterprise, clog the pursuits of active industry, check the profitable investment of capital, and embarrass the freedom of commerce. The most limited comprehension cannot fail to perceive the injury which this unwholesome restriction must inflict upon the interests and prosperity of the country. Corporations are *necessary* for the development of the prolific resources of California, and they should be fostered and protected by special enactment.

DIVISION OF THE STATE.

Article 12 defines and fixes the boundaries of the State, and so long as this provision remains unchanged, the metes and bounds of the State cannot be contracted, or in any wise altered. Experience has demonstrated that our territory is too extensive, and the interests, resources and wants, of different and distant sections, too much varied for one government to develop, foster, or conciliate and protect, the whole. The only remedy for the evils and disadvantages which flow from this extension of one government over this immense territory, and the only mode of securing important benefits of which we are now deprived, is a *division of the State* into two or more States, giving to each a simple and frugal form of government. One cause of difficulty and dissatisfaction among the people, and particularly among the citizens of the southern counties, is the unequal and unjust operation of the revenue law upon commercial, agricultural and grazing counties. It is not disputed, that this class of counties pay into the State Treasury four-fifths of the revenue, and thus in the main, support the whole machinery of government; while at the same time, the mining counties enjoy a controlling *representation* in the halls

of the Legislature. I have no disposition to draw invidious distinctions between different sections of the State, for the prosperity of all is dear to me; but this state of facts is referred to as evidence that those who complain of burdensome taxes, do not complain without good cause. Three revenue laws have been respectively passed at the three past sessions of the Legislature, and the result has proved that it is utterly impossible to prescribe any mode and description of taxation, which will be practically "equal and uniform throughout the State." *Three times* has it been tried, and *three times* has it signally failed. In fact, the revenue laws are as good, as just, as effective, as can be made under the existing Constitution; and *no relief* can be looked for until the State is divided, and the mining counties and the agricultural counties are separated and placed under different governments. Many instances might be cited if it were necessary, to show that laws of a general nature, which *must* have a uniform operation, have frequently been found necessary for the welfare of one section of the State, while their effects were injurious and sometimes ruinous to the other. These considerations alone, are of sufficient force to decide our minds in favor of a division of the State. But let us see if other reasons cannot be adduced in support of the policy. We have now in the Federal Congress but four delegates to represent our interests, to advocate our rights, and insist upon our demands of justice. No statesman will deny that the welfare and prosperity of California and our Pacific possessions will be greatly subserved and promoted by increasing our congressional delegation. There is but one way of doing this before the census is taken by the General Government in 1860, and that is to divide the State.

We have territory sufficiently extensive for the formation of three States, each larger than New York, and in the limits of these new states we might include a section of Oregon Territory and a small portion of Utah, in conformity with the known wishes of the inhabitants. Our population already exceeds three hundred thousand, and in two years, which time must elapse before a division can be effected, the number of permanent inhabitants will be *more than half a million.* Therefore no feasible objection can be made that our territory is not amply extensive, and our population sufficiently numerous to justify a division. The formation of our territory into three States, would entitle us to six Senators on the floor of Congress instead of two, and three Representatives, perhaps *six*, instead of two. This is "a consummation most devoutly to be wished for" by every true hearted Californian, and it becomes all such to lend every energy to its accomplishment. There is still another great benefit to be secured by a division, and it is this: in 1841, Congress passed a law donating to every State of the Union five hundred thousand acres of the public lands, where so much was embraced within its borders. By virtue of this law, a division into three States would entitle us to *three times the number of acres* to which we now have a claim. *A million acres of land for our people!* Magnificent prize, worthy of a mighty struggle! In answer to this argument in favor of a division, the remark has been made that as much as five hundred thousand acres of *unappropriated* public lands could not be found within the limits of each of the three new states. Unfortunately for those who venture this assertion, the records do not sustain them. By reference to the Surveyor General's Re-

port, submitted to the Senate on the 18th of February, 1852, it will be seen that there is within the borders of California *thirty nine millions of acres of agricultural lands* exclusive of the swamp or overflowed lands. But it may be suggested that the Spanish grants will cover a considerable portion of these lands. Even if this were so, a superabundance would remain to satisfy the demands of each of the three new States, under the law of '41. But it is well known that nearly all of these large grants which are not located in the mineral region, are planted upon the overflowed lands bordering upon water courses, and cannot therefore be properly deducted from the estimate of agricultural lands, made by the Surveyor General. In case it may be deemed advisable to divide the State into only *two* instead of three new States, corresponding advantages would of course accrue from the division.

EXPENSE OF A CONVENTION.

We are told by those who oppose a convention, that they are averse to it principally on account of the *expense* which it will bring upon the State. This objection it must be admitted is plausible, and deserves consideration. Let us calmly examine the case. The State of California has now a public debt of more than *two millions of dollars*, not including the amount of the State Prison contract, which is one million and thirty-four thousand dollars. The public expenditures of the last fiscal year are estimated at *more than a million of dollars*, while the receipts are set down at *about four hundred thousand*. Making all due allowance for the happy influences of "retrenchment and reform," it cannot be expected that the annual public expenditures can be reduced below eight hundred thousand dollars; it cannot be reasonably demanded of the able and accomplished Chairman of the Finance Committee, to evolve a revenue system that will swell the annual receipts over half a million dollars. What is the result? The annual expenditures will exceed the receipts by a sum of three hundred thousand dollars. In a few years the State will be unable to pay the *interest* on her debt, though the people should be borne down to the earth by taxation. Now is it fair, is it reasonable, to cry "halt" to those who are making an effort to rid the State of the cumbersome and extravagant machinery of government, with which it is afflicted? Can *any change* produce an order of things more deplorable? And again, the alleged expense of a convention is greatly exaggerated by "the opposition." It is estimated at two hundred thousand dollars. Let us see if this calculation will bear the test of facts and figures. There will be ninety delegates, corresponding to the number of members of the Legislature; and placing their mileage at one half of that allowed to members, and fixing their per diem for *sixty days* at five dollars, they would receive the sum of thirty five thousand dollars. Add to this, five thousand dollars for the pay of clerks, and ten thousand dollars for the necessary printing, and we have a sum total of *fifty thousand dollars*. If it should be thought proper to allow no mileage or per diem to delegates, which may not really be necessary to secure the services of able and distinguished men, the expense would not be more than *fifteen thousand dollars*. On the other hand, by holding a convention and re-

vising the Constitution, we could save the State an annual expenditure of *half a million of dollars.* To illustrate this clearly, one or two instances may be cited. By substituting biennial for annual sessions of the Legislature, we would save to the State annually one hundred thousand dollars; and by abolishing many unnecessary offices, the further sum of fifty thousand dollars a year would be saved. If we so alter the Constitution as to dispense with taking the census in 1855, one hundred thousand dollars will be saved. If we strike out section twenty-eight, article four, and rely upon the United States census, that amount is saved every ten years thereafter. Other *offsets* to the expense of a convention could be readily introduced, if there were any demand for them.

SLAVERY.

A fear is expressed, but always by the "opposition," that calling and holding a convention will cause an agitation of the vexed question of slavery. Those of our opponents who are sincere in their belief, and doubtless many are, may rest assured that such a fear is *utterly groundless.* This assurance has often been made, yet with a grave and mysterious shake of the head, it is solemnly urged that calling a convention will necessarily renew the slavery agitation, both here and in Congress. Both branches of the proposition are emphatically denied. The friends and advocates of a convention *are not now, and will not be at any time hereafter*, in favor of engrafting any new Constitution with a slavery clause. They are composed alike of northern, western and southern men—men from every State in the Union, and all are opposed to the agitation and discussion of this element of dissension and discord, and are resolved to leave it out of the controversy altogether, despite the efforts of some of their opponents to foist it upon them. Again, it is well known that the whole mass of the native Californians, who warmly espouse the cause of a convention and division of the State, are utterly opposed to the doctrine of slavery. The first voice for a division of the State came from the native Californians, and the first public meeting in its favor was held in the County of Los Angeles. The friends of a convention are all *Californians*, and do not represent the *prejudices* of any State of the Union—they discarded all sectional feeling; they labor for the interest and welfare of California and Californians. When the three (or two) new States present their Republican Constitutions to Congress and demand admission into the Union, who can believe that they will not be promptly admitted? Did not the compromise measures of 1850 finally and forever set at rest the subject of slavery? Are not the sacred obligations of the compromise almost equal in force to the Federal Constitution? The virtue of the compromise is felt and acknowledged *even in the strongholds of secession* on the other side of the mountains. *Let it be remembered* that the friends of a convention disclaim all sectional feeling, and will not at any stage of the measure advocate or oppose, or in anywise discuss the subject of slavery. It is not an element in the controversy, and cannot be made such by the opponents of a convention.

"A QUESTION OF TIME."

Allowing the people to vote for or against a convention, is sometimes designated a "question of time," by those who oppose it. This is certainly a very *convenient* view of the case, more especially for politicians. It leaves open a door for escape should they happen to be on the "wrong side," which means any side but the *strong* side. If this term were applied to holding a convention, revising the Constitution, and dividing the State, it would not be surprising; but how a mere recommendation to the people to vote *for or against* a convention can be termed a "question of time," it is impossible to conceive. Let the people decide whether calling a convention is a "question of time." Never before was *gagging the people* called a "question of time!"

The undersigned herewith submits a bill entitled "An Act recommending the electors to vote for or against a convention to revise and change the entire Constitution of this State," and earnestly recommend its passage.

HENRY A. CRABB.

A BILL TO BE ENTITLED "AN ACT RECOMMENDING TO THE ELECTORS TO VOTE FOR OR AGAINST A CONVENTION TO REVISE AND CHANGE THE ENTIRE CONSTITUTION OF THIS STATE."

The People of the State of California represented in Senate and Assembly do enact as follows:

Section 1. On the day of the next election for members of the Legislature, it shall be lawful, and it is recommended to the electors of this State, to vote for or against calling a Convention to revise and change the entire Constitution of this State; which each voter shall do by depositing in the ballot box a ticket whereon shall be written or printed "For a Convention," or "Against a Convention," or some such words as will distinctly convey the intention of the voter, and which ticket shall be deposited in a separate box, which shall be furnished for that purpose by the Inspectors of Election; and the Judges and Inspectors of the Election in each precinct in this State shall receive such votes, count the same, and certify the number received "For a Convention," and the number received "Against a Convention, and deliver or send the same to the Clerk of the County in which the election is held, in the same manner as is required by the thirty-fifth section of the act entitled an Act to regulate Elections, passed March twenty-third, one thousand eight hundred and fifty, and so far as the same can be made applicable to the intention and not inconsistent with the provisions of this act, the laws regulating the proclama-

tion of the Governor, and all other matters and forms appertaining to the election of members of the Assembly, shall be applicable and binding in reference to the votes cast under the provisions of this act.

Sec. 2. It shall be the duty of the County Clerk of each County, upon receiving the returns, from each precinct of the County, of the number of votes received, to draw up and sign a statement of the number of such votes, at the same time and in the same manner as is required to be made of returns in other cases, by the ninety-eighth and forty-third section of the act entitled "an Act to regulate Elections," and certify and transmit the same to the Secretary of State, as required of other "election returns" in said forty third section, on the fortieth day after the day of the election specified in this act, or as soon as the returns shall have been received from all of the Counties of the State, if received within that time, the Secretary of State shall compare and estimate the votes cast for and against calling a Convention, and make out and file in his office a statement thereof, a copy of which shall be transmitted to the Governor.

Sec. 3. This act shall take effect immediately after its passage, in the manner required by the Constitution of this State.

[Document No. 17.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTE ON EDUCATION.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON EDUCATION.

Owing to the accidental omission in the school laws of last year, prescribing the duties of the County Superintendent without creating the office, the most vital part of said law, is inoperative and requires legislative correction. Your committee have ascertained from a reliable source, that there are about 17,591 white children in the State, between the ages of 4 and 18, and out of this number only about 3,314 are reported to be within the limits of organized school districts, several of the most populous counties, where schools are known to exist, and are equitably entitled to their proportion of school money, have made no report of school organization under the existing law. It would, in the opinion of your committee, be more equitable and just to distribute the school money that has accumulated, in proportion to the number of white children within each county as exhibited by the census returns. In accordance with these views, your committee ask leave to introduce the accompanying bill, and recommend its passage.

All of which is respectfully submitted.

JAS. C. McKIBBEN,
Chairman of Committee on Education and State Library.

[Document No. 18.]

IN THE SENATE.] [SESSION OF 1863.

REPORT

OF THE

FLOUR INSPECTOR,

OF THE STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

FLOUR INSPECTOR OF THE STATE OF CALIFORNIA.

STATE FLOUR INSPECTOR'S OFFICE,
San Francisco, January 28, 1853.

HIS EXCELLENCY JOHN BIGLER:

I have the honor herewith to transmit a report of all the flour inspected in the cities, ports and harbors of San Francisco, Sacramento, Stockton and Benicia, from June 1st to December 31st, 1852.

Barrels—34,715 superfine; 267 fine; 6,187 bad; 974 B. bad.
Half Barrels—417 superfine; 3 fine; 497 bad; 210 B. bad.
Sacks—1,800 superfine; 7 fine; 1,173 bad; 960 B. bad.
Half Sacks—26,086 superfine; 3,378 fine; 13,473 bad; 3,024 B. bad.
Quarter Sacks—101,051 superfine; 7,736 fine; 31,417 bad; 6,273 B. bad.

Total amount of inspection fees at 5 cents per one hundred pounds, ...		$10,847 80
Amount paid deputy Inspectors, .	$5,423 90	
Paid clerk hire, labor, office rent, and necessary incidental expenses for seven months,	3,175 50	8,599 40
		$2,248 40
Penalties collected, exclusive of costs, &c., &c.,		234 17
Total amount of fees exclusive of expenses,		$2,482 57

G. W. RYCKMAN, Inspector.

[Document No. 19.]

IN THE SENATE.] [SESSION OF 1853.

CORRESPONDENCE

WITH

M. G. VALLEJO.

[GEORGE KERR, STATE PRINTER.

CORRESPONDENCE WITH GEN. M. G. VALLEJO.

(COPY.)

EXECUTIVE DEPARTMENT,
City of Vallejo, California, Feb. 4th, 1853.

M. G. VALLEJO, SIR:—

By a Concurrent Resolution of the Legislature, I am directed to demand and receive from you all moneys that may be now due, or hereafter become due the State from you under your proposition to pay to the State certain sums of money for specific objects, or for any other purpose, submitted to the Legislature of this State at its first session, and presented in the Senate, April the 3d, 1850, in the form of a memorial of yourself, and others, relative to the permanent seat of government, subsequently acted upon by both houses, and formally accepted in the passage of a law, approved February 4th, 1851, entitled "An Act for the permanent location of the Seat of Government.

In pursuance of said resolution, a copy of which is herewith transmitted, I hereby demand of and from you, on the part of the State, the payment of the following amounts according to the terms and stipulations of a bond executed by you to the Governor of the State on the 3d day of April, A.D. 1850, to wit:

1st.	For Building State Capitol, . . .	$125,000
2d.	For Furnishing do do, ...	10,000
3d.	Building Governor's House, . . .	10,000
4th.	Furnishing, ...	5,000
5th.	State Library and Translator's Office, . .	5,000
6th.	State Library, ...	5,000
	Amount carried over, . . .	$160,000

	Amount brought over, . . .	$160,000
7th.	Building Offices of Secretary of State, Comptroller, Attorney General, Surveyor General and Treasurer, should the commissioners deem it proper to separate them from the State House, . .	20,000
8th.	Building Orphan Asylum, . . .	20,000
9th.	Do Female Charity Hospital, . .	20,000
10th.	Do Male do do, . .	20,000
11th.	Do Asylum for the Blind, . . .	20,000
12th.	Do Deaf and Dumb Asylum, . .	20,000
13th.	Do State University, . . .	20,000
14th.	For University Library, . . .	5,000
15th.	For Scientific Apparatus therefor, . .	5,000
16th.	For Chemical Laboratory, . . .	3,000
17th.	For Mineral Cabinet therefor, . . .	3,000
18th.	Building four Common School Edifices, .	10,000
19th.	Purchasing Books for same, . . .	1,000
20th.	Building Lunatic Asylum, . . .	20,000
21st.	State Penitentiary, ...	20,000
22d.	State Botanic Collection, . . .	3,000
		$370,000

You will please advise me without delay of your intention in relation to this matter, and whether you are prepared to make the payments as above specified, and according to the stipulations and agreements in your said bond.

I have the honor to be
Your obedient servant,

JOHN BIGLER.

(COPY.)

SONOMA, February 4th, 1853.

TO HIS EXCELLENCY JOHN BIGLER:—

I have the honor to acknowledge the receipt of your communication, inclosing a Concurrent Resolution of the Legislature directing you to demand from me the payment of the sum of three hundred and seventy-five thousand dollars. In a recent communication addressed to your Excellency, as well as in others, addressed to the Legislature at its last session, I petitioned to be released from my bond to the State, and it is still my desire that this bond and the contract between the State and myself be cancelled. Before replying to your demand for the payment of the several sums of money specified in your letter, I must beg the indulgence of time to confer with my legal advisers before I can inform you fully of my intentions in the premises.

I have the honor to be, Sir,

Your obedient servant,

M. G. VALLEJO.

[Document No. 20.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

JUDICIARY COMMITTEE,

TO

WHOM WAS REFERRED THE PETITION OF THOS. BERDUE FOR RELIEF.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

JUDICIARY COMMITTEE.

The Committee on the Judiciary, to whom was referred the petition of Thomas Berdue, having had the same under consideration, beg leave to report—

That the petitioner alleges that in the month of February, 1851, he was wrongfully accused of crime, for which he was afterwards convicted and sentenced to imprisonment for ten years. He was afterwards accused of murder and sentenced to be hanged by the neck till dead. Before the time for the execution of the sentence, the real offender, one James Stuart, was discovered, and executed by the Vigilance Committee at San Francisco.

The innocence of the petitioner was therefore made manifest, and he was pardoned by the Governor.

The petitioner alleges that he was for a long time most unjustly confined in jail, to the great injury of his health; and that he incurred expenses in his defence to the amount of four thousand dollars. He therefore prays for an appropriation of four thousand dollars to reimburse the expenses incurred.

To grant the prayer of the petitioner, would establish a precedent which, if carried out in all cases of the kind, would more than exhaust the entire revenue of the State. We know of no legislative precedent for such appropriation. The most that has been done, was to refund fines illegally collected from innocent parties, leaving them responsible for their own expenses.

In society it too often happens that the innocent are wrongfully accused of crime. This is their misfortune, and Government has no power to relieve

them. It is a part of the price each individual may be called on to pay for the protection which the laws give. He should rejoice that the laws have afforded that protection to him when wrongfully accused, rather than seek remuneration for his expenses from the government whose justice has protected him from ignominious death.

Your committee therefore recommend that the prayer of the petitioner be refused, and that they be discharged from the further consideration of the subject.

J. W. RALSTON,
Chairman Judiciary Committee.

[Document No. 21.]

IN THE SENATE.] [SESSION OF 1853.

CORRESPONDENCE

IN RELATION TO THE

CLAIMS OF WRIGHT AND M'DERMITT'S COMMAND.

[GEORGE KERR, STATE PRINTER.

CORRESPONDENCE

IN RELATION TO THE CLAIMS OF WRIGHT AND McDERMITT'S COMMAND.

YREKA CITY, Dec. 19, 1852.

TO HIS EXCELLENCY JOHN BIGLER,
Governor of the State of California:

SIR:—Inclosed you will find the roll of a Company which I raised on the 7th of August last for the protection of emigrants in the vicinity of Klamath and Rhett Lakes.

The day previous to our leaving Yreka, a train of forty packers arrived from the Plains, who informed us that unless assistance and protection was sent out to meet a small train of some three or four families, who were five days' drive in their rear, they would undoubtedly be all murdered by the Indians at the Lake. So we got up a party of thirteen men as speedily as possible, and hastened to the rescue of those families.

When we arrived near a point of rocks which project out near the Tules in the Lakes, affording an excellent ambush for an attack from either side, we discovered a large number of Indians, who afterwards, as we advanced, concealed themselves in the Tules, and would not show fight, or come out so that we could get at them.

The families had arrived at this point before we did, and were all murdered by the Indians. The bodies of two females, two children and three men have since been found off the road. The Indians kept out of our way, and we found it impossible to chastise them for the depredation which they had committed. So we came to the conclusion that we could do the emigrants the most service by going ahead and distributing ourselves among the different trains as guides; to point out the camping places, and the points from which danger would be apprehended from the Indians.

Messrs. Coats, Long and Ownsby were one mile in the advance of Capt. Morrison's train of seven wagons and thirty men, looking out a nooning-place, when the Indians attacked them from a concealed position at the point of rocks, shot them full of arrows, capturing their horses, guns, and

everything they had. Capt. Morrison hearing the report of several guns, and believing them to be in trouble ahead, sent an emigrant by the name of Felix Martin, who had a fast horse, ahead to ascertain what was going on; the report of his pistol was heard, but he did not return. The train got in close order, every man prepared himself for fight, and moved on cautiously; when they got opposite the point of rocks they discovered blood in the road, but did not see an Indian till a shower of arrows came among them, wounding one man; the fire was returned, the Indians fell back; the train was moved on briskly to a large flat, out of the reach of arrows, either from the rocks or tules. Here the Captain corralled his stock and wagons; the Indians advanced, surrounding them; kept them one day and a half in the same place without water; and the train would undoubtedly have suffered much, and perhaps all have been murdered, had it not been for Capt. Ben Wright's Company making their appearance on the second day, which caused the Indians to retreat to the lake shore, where they formed the line of battle, advancing and retreating alternately. Capt. Wright advanced with thirty-two men, mounted and well armed, charged, and killed thirty; the balance got into their canoes and made their escape in the lake.

The day following, I came up with a family train of sixteen wagons, and assisted to bury my friend Mr. Coats, Long, Ownsby, and a number of other bodies which we found near the same place. We have found and buried twenty-six bodies in the vicinity of Rhett, (or, as it is sometimes called, Tule Lake.) A number of men have been wounded, and a large number of stock taken by the Indians, this season, on this new route.

Capt. Wright's Company have had another battle with the Lake Indians, and succeeded in killing forty-three.; three of his men were wounded—two seriously—but they are now recovering.

I would give you the full particulars in relation to our Indian difficulties in this part of California, but I deem it unnecessary to weary your patience with a lengthy communication.

The within facts I have briefly stated to you, in order that you may have an idea of what we have been doing in this part of the country, and hope when the accounts for money expended in protecting this northern frontier is brought before the Legislature, you will favor our cause with your influence in having those liberally paid for the time they have spent in protecting life and property, and the money refunded which has been expended in assisting emigrants and keeping a standing force on the road between Yreka and the Sierra Nevada mountains.

The companies which have been on the road have made out the number of days each man has been actually engaged, and leave the matter entirely to the liberality of the Legislature to allow what they think to be right and just under the circumstances. If nothing be allowed, a few of us will suffer seriously, as we have furnished considerable money to keep up Captain Wright's party.

By your using your influence in our behalf, you shall be kindly remembered by the people in the northern part of California.

Yours, most respectfully,

CHAS. McDERMIT.

YREKA, SISKIYOU COUNTY, CAL.,
December 22, 1852.

SIR :—I have the honor to transmit herewith to your Excellency a Muster Roll of my Company of Rangers, called into the service at the instance of the citizens of this county for the purpose of protecting themselves and the emigrants on their way from the Atlantic States to California. I have labored, Sir, under great difficulties, in order to keep this Company in the field, and to perform faithfully the objects for which the Company was raised. The face of the Muster Roll will attest the manner in which this service has been performed.

I have to say, that both myself and my men are now under considerable pecuniary obligations contracted in the performance of this service to the country; and I have to ask, most respectfully, through your Excellency, that the Government of the State will give us such remuneration as they in their wisdom, and with a sense of justice, may deem proper.

The manner in which I have made out my subsistence, forage, clothing and ammunition returns, is such as in my judgment is best to cover and include the expenses that have been incurred.

Accompanying the Muster Roll is an abstract of the articles furnished at the prices stated.

I have the honor to be, very respectfully,
Your obedient servant,
BEN WRIGHT,
Capt. Com'g Com. Cal. Mounted Rangers.

To His Excellency JOHN BIGLER,
Governor of State of California.

[Document No. 22.]

IN THE SENATE.] [SESSION OF 1863.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

MR. PRESIDENT:

The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 13, in reference to Mail Routes in California, respectfully report a substitute for the same, and ask its adoption. The Pacific Mail Steamers, which, by the terms of their contract with the Government, are required to exchange the mails at the ports of San Diego and Monterey, have become so irregular in their stoppings, that but little reliance can now be placed upon their compliance with their obligations, and Government despatches from the Southern frontier of the State are now required to be forwarded to San Francisco, there to be started for their Eastern destination. A great necessity exists for the immediate establishment of a Post Road from San Diego to the junction of the Gila and Colorado Rivers, and a Post Office at Fort Yuma.

In the county of Siskiyou, your Committee learn that there has not been a Post Route or Office established, although there is a population of over 3000.

The Commitee, therefore, recommend the passage of the resolutions.

J. W. COFFORTH,
Chairman.

[Document No. 23.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

OF

SECRETARY OF STATE.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

OF THE

SECRETARY OF STATE.

OFFICE OF SECRETARY OF STATE,
February 16th, 1853.

TO THE HONORABLE
THE SENATE OF CALIFORNIA:

I have the honor to acknowledge the receipt of the Resolution this day adopted, requesting the Secretary of State to furnish the Senate with a statement of the contract entered into for supplying the Legislature with Stationery, &c.

In compliance with this Resolution, I beg leave to submit the following facts.

Early in the month of November, advertisement was made by the Secretary of State, for proposals to supply the present Legislature with Stationery. On the 20th December, the bids were opened, in presence of the Comptroller and Secretary of State, and the contract was awarded to Messrs. Lecount & Strong, of San Francisco. This establishment was accordingly written to, and requested to furnish the articles needed. These articles were to be of the best quality. Under this contract, Stationery to the amount ef $1,580 00 have, on different occasions, been ordered and received. Among various other, the following have been furnished, under this contract:

30 Reams best quality Cap Paper,
30 do Superfine London Letter,
5700 Envelopes, (assorted)
25920 Steel Pens, (assorted)
804 Pen Holders, do
804 Bunches Tape, do
144 Ivory Paper Folders.

All of these articles, together with the whole amount of Stationery received under this contract, have, at different times, been handed over to the Sergeants at-Arms of the two Houses, with the exception of a small quantity still remaining on hand, which had been set apart for the Senate, but has not as yet been called for. I have at all times been anxious and ready to deliver over to these officers any and all Stationery which might be in this office, for the use of the Legislature, and have never, on any occasion, refused, when called upon, to furnish whatever in this way might be desired, either by individual members, or officers acting for their respective Houses. On yesterday morning, I addressed the following note to the Sergeant at arms of the two Houses, respectively :

SIR—I am ready to deliver over to you the Stationery now on hand in this office, for the use of the Legislature. Be so good as to send an order for it. Whatever other articles you may need for the use of the Senate and Assembly, please inform me, and I will immediately order them.

On the reception of this, the balance of the Stationery in the possession of this office, was delivered to these officers.

In respect to the terms and intention of the contract entered into for supplies of Stationery, I would state that no written contract exists, but the advertisement, proposals, and award, and the action under them, would seem to extend to supplying all of these articles that might be needed by the Legislature. And this is the construction which has been placed upon the contract. On yesterday, I made an order for a re-supply of Stationery, which is expected to come to hand to morrow.

It is proper here to state, that the first supply was intentionally small, in consideration of the fact that the Legislature would probably remove from the then Capital, and it was desirable to have as few articles of this character as possible to transport.

I would also state, that on more than one occasion, the Sergeant-at-arms of the Senate has been requested to furnish a list of the articles needed for that body, but none has as yet been received.

I have the honor to be, &c.

WM. VAN VOORHIES,
Secretary of State.

B. WM. H. R. WOOD,
Deputy.

[Document No. 24.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON ELECTIONS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF

COMMITTEE ON ELECTIONS.

MR. PRESIDENT.

The Committee on Elections, to whom was referred the case of J. W. Robinson *vs.* D. B. Kurtz, wherein the right of Mr. Kurtz to his seat is put in contest, after due investigation, offer the following report:

The Committee found on record Mr. Kurtz's certificate of election, which is *prima facie* evidence of his right to the seat he occupies. And although a mass of testimony has been adduced by the contestants, no proof has been discovered sufficient to overcome or in any degree impair the *legal presumption* in favor of Mr. Kurtz.

Therefore, it is rec mmended that the Senate do resolve, that D. B. Kurtz is legally elected Senator from the First Senatorial District.

HENRY A. CRABB,
Chairman.

[Document No. 25.]

IN THE SENATE.] [SESSIO N OF 1853.

RELEEASE

FROM

GEN. M. G. VALLEJO,

TO THE STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

RELEASE

FROM

GEN. M. G. VALLEJO TO THE STATE OF CALIFORNIA.

(COPY.)

Whereas, by an Act of the Legislature of California, passed on the 4th of February, 1851, the permanent Seat of Government was removed to the city of Vallejo; and whereas, Mariano Guadalupe Vallejo, in consideration of said Act for the permanent establishment of the Seat of Government at said city, made his writing obligatory, as required by the said Act, conditioned for the faithful performance of the terms of his proposition, in said Act referred to; and whereas, the Legislature of the State of California, on the 4th of February, 1853, passed an Act to remove the Seat of Government from the city of Vallejo to the city of Benicia, by the second section whereof, the said Mariano G. Vallejo was released from the performance of his said bond, upon condition of his releasing, by good and sufficient release, to be approved by the Attorney General of said State, any and all claims for relief and damages against the State of California, founded upon or growing out of anything connected with the location or removal of the Seat of Government at or from Vallejo.

NOW, THEREFORE, I, the said MARIANO GUADALUPE VALLEJO, in consideration of the premises, do hereby release the State of California, from any and all claims for relief or damages against said State, founded upon or growing out of anything connected with the location or removal of the Seat of Government at or from the city of Vallejo.

In testimony whereof, I have hereunto set my hand and seal on this the 14th day of February, 1853.

M. G. VALLEJO.

Signed, sealed, and delivered in the presence of John Hesketh.

STATE OF CALIFORNIA, } ss.
County of San Francisco. }

Be it known, that on this 14th day of February, A. D. 1853, before me, a Notary Public in and for the county aforesaid, personally appeared Mariano Guadalupe Vallejo, well known to me to be the person described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

Given under my hand and notarial seal, the day and year first herein written.

JOHN HESKETH,
Notary Public.

ATTORNEY GENERAL'S OFFICE, }
February 14, 1853. }

This release having been examined, as required by Act of February 4th, 1853, I approve the same.

S. C. HASTINGS,
Attorney General.

[Document No. 26.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

SUPERINTENDENT OF CENSUS.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

SUPERINTENDENT OF CENSUS.

CENSUS OFFICE,
Washington, Jan'y 17, 1853.

Sir:—An Act of Congress has recently been passed authorizing the embodiment and publication of the late Census Returns of California, with those of the general United States Census of 1850. I heretofore suggested to the Honorable Senators and Representatives of your State, the propriety of having the original returns sent to this office to be prepared for publication, in which they have fully concurred with me. The importance of this step will readily be perceived from the fact, that by such a course much expense will be saved the State, the completion of the work will be ensured at a much earlier period than it could be in California, and at the same time we will be enabled to arrange the Statistics in perfect uniformity with the general plan. The experience which those engaged in the Census Bureau have had, will enable them with much less trouble and with much less expense, to classify and arrange these statistics on such plans as have been adopted with regard to other States.

To insure the safe transmission of the schedules, it will be merely necessary to enclose them in a secure and strong wrapping, and direct them to the undersigned, Superintendent of 7th Census, Washington.

Hoping that you will approve the propriety of this measure, and awaiting your action at the earliest period convenient,

I am, sir, very respectfully,
Your obedient servant,
JOS. C. G. KENNEDY,
Superintendent Census.

His Excellency, JOHN BIGLER,
Governor of California.

I will return the originals to you as soon as the condensation and arrangement of the same shall have been perfected.

J. C. G. K.

[Document No. 27.]

IN THE SENATE.] [SESSION OF 1853.

DEED.

CITY OF BENICIA

TO THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

DEED.

CITY OF BENICIA TO THE STATE OF CALIFORNIA.

[COPY.]

Know all men by these presents: That I, Daniel M. Fraser, Mayor of the City of Benicia, for and on behalf of the said City of Benicia, and in accordance with a resolution passed by the Council of said City on the 21st day of February, A. D. 1853, and for and in consideration of the sum of one dollar, and other good and valuable considerations, have given, granted. bargained, and sold, and do by these presents give, grant, bargain, and sell, alien, convey, and confirm, unto John Bigler, Governor of the State of California, and his successors in office, for the use of the people of the State of California, a certain lot or parcel of land situated, lying and being, in the said City of Benicia, County of Solano, and State of California, and known on the official map and plan of said City as lot number twelve, (12,) in block number twenty, (20,) being the lot upon which stands a brick building known as the City Hall, in which the Legislature of the State of California are now sitting, together with all and singular the tenements, privileges, and appurtenances thereunto belonging, so long as the people of the State of California shall continue to use and occupy said building for the purposes of a State House, and hold the sessions of the Legislature of said State therein; and when they cease to use the said building for that purpose, the lot, building and appurtenances, shall revert back to the said City of Benicia. To have and to hold the aforesaid lot, together with the buildings, privileges and appurtenances, thereunto belonging, to and for the use and benefit of the people of the said State of California, so long as they shall continue to use and occupy the said building for the purposes aforesaid; and when they shall cease to use and occupy the said building for the purposes aforesaid, then the said building, lot, privileges and appurtenances, shall revert back to the said City of Benicia.

And I, the said Daniel M. Fraser, Mayor of the said City of Benicia, do hereby covenant and agree, for and on behalf of the said City, to warrant and defend the people of the said State of California in the quiet and peaceable possession of the said lot, building, privileges and appurtenances, so long as they shall continue to use the same for the purposes aforesaid, against the claims of the said City of Benicia, and all persons claiming or to claim the same by, through, or under the said City of Benicia.

In testimony whereof I, the said Daniel M. Fraser, as Mayor aforesaid, for and on behalf of the said City of Benicia, have hereunto set my hand and seal this twenty-fourth day of February, A. D. 1853.

{ SEAL. }

DANIEL M. FRASER,
Mayor City of Benicia.

STATE OF CALIFORNIA,
County of Solano,

This twenty-fourth day of February, A. D. 1853, personally appeared before me, a Notary Public in and for the County aforesaid, Daniel M. Fraser, known to me to be the person who executed the foregoing instrument in writing, and acknowledged that he executed the same freely, voluntarily, and for the purposes within named.

In witness whereof, I have hereunto set my hand and private seal, (not having as yet provided myself with an official seal,) the day and year first above written.

SEAL.

B. C. WHITMAN,
Notary Public,
For the County of Solano.

[Document No. 28.]

IN THE SENATE.] [SESSION OF 1853.

MEMORIAL

OF

CERTAIN CITIZENS, PURCHASERS OF CERTAIN

WATER LOT PROPERTY.

IN SAN FRANCISCO,

AND

COMMUNICATION FROM F. ARGENTI.

[GEORGE KERR, STATE PRINTER.

MEMORIAL.

To the Honorable Senate and Assembly
of the State of California:

The undersigned respectfully represent to your honorable body, that on the first day of May, A. D., 1851, the Legislature of California by an Act entitled an Act in relation to the city of San Francisco, granted to the said city the right or franchise to construct wharves eastward into the bay of said city, in prolongation of the streets running into the same to the extent of six hundred feet beyond the line of East Street, and that the section of said Act, granting said franchise was independent in its character, clogged by no conditions, and required no act on the part of said city to make it vest in its possession.

The undersigned further represent to your honorable body, that shortly after said city had become possessed of said franchise, a judgment was obtained against her by one Doctor Peter Smith, for the satisfaction of which judgment, the Sheriff of said city proclaimed its property for sale, and among other of its property, put up said franchise to construct wharves, which franchise was thereupon duly purchased in a legal manner, and for a valuable consideration by the undersigned, and by other parties from whom the undersigned have bought in like good faith.

The undersigned, therefore, respectfully represent that they are the legal owners (to the extent of the interest respectively attached to their names as hereunto subscribed,) of the right to construct and own wharves in the indicated space beyond East Street aforesaid; and they further claim in accordance with the provisions of the first section of said Act of May 1st, 1851, that the space between said wharves be kept open, in order that their rights therein may be duly consummated, made good and secured.

The undersigned further respectfully represent, that they have been informed that propositions are now pending before your honorable body, to resume to the possession of the State the intermediate space between said proposed lines of wharves, and to sell the same in fee for the exclusive benefit of the State, but against such course the undersigned respectfully remonstrate and appeal, as destructive to their rights in the premises, and as in violation of the terms and guarantees of the first section of said Act of May 1st, 1851.

The undersigned further respectfully represent, that but few of them

were original purchasers at the Sheriff's sale referred to, that they purchased their interest subsequently at large prices, in good faith, and in firm reliance on the substantiality and security of said interest, relying on this the more because the State had itself constructed them into property and had thus given them currency and reputation in the market.

The undersigned, therefore, represent to your honorable body, that in addition to their full legal title to said franchise, they have a moral and equitable right to the same, which your honorable body cannot pass from its consideration without great hardship and injustice to the undersigned, and they confidently trust that your honorable body will not seriously entertain any proposition which shall contemplate the invasions of those rights, and involve the undersigned in severe delay and onerous expenditures to vindicate their title before your honorable body.

But the undersigned, to save themselves from the hardship of such delays and expenditures, and in order to fix and settle their interest beyond further harrassment and interruption, will waive their rights in the aforesaid franchise, meet your honorable body on the basis of the indicated propositions, and of the space between said proposed lines of wharves, relinquish to the State, each for himself, a full one-third of their respective rights thereto, on condition that the State confirm to them a clear title, in fee, to the remaining two-thirds, the division to be made by lot, drawn according to a map hereto annexed, on which the proposed extension of said city has been marked out and separated into portions suitable for such division, or any other map adapted to such purpose.

Should, however, your honorable body not conclude to act in any way whatever in the provisions, on behalf of the State, the undersigned trust to the sense of equity residing in your honorable body for such aid, relief, and protection (if any be required,) as will settle and define their rights forever, and enable them to enter into their possession, and to improve them to the common benefit of themselves, the said City and State, without further agitation, detriment or delay.

B. WOOD,
Representing one-fortieth.
MOSES E. FLANEGAN,
Representing one-twentieth.
J. B. E. CAVELLIER,
Representing one-sixteenth.
O. W. FRANK,
Representing one-fifteenth.
JOSHUA MORTON,
Representing one-twentieth.
CHAS. D. CARTER,
Representing one-seventeenth.
SAM'L MOSS, JR.,
Representing one-twenty-seventh.
JAMES BUCKETT,
Representing one one-hundredth.
McCABE & JOHNSON,
Representing one-twentieth.

A. J. McCABE,
Representing one-fortieth.
EDMUND SCOTT,
Representing one one-hundred and twentieth and one one-hundred and fortieth.
THOS. B. VAN BUREN, by
E. R. CARPENTIER,
His Attorney in fact, representing one-thirtieth.
T. S. ALVAREZ, by his
Attorney in fact, J. W. DE SATMISTEGUL,
Representing one-twentieth.
V. TURNER,
Representing one-fortieth.
A. POLLARD,
Representing one-fiftieth.
JOHN C. McLEMORE,
Representing one-thirtieth.
A. L. LAWTON,
Representing one-second.
GEO. W. WILKES,
Representing one-fortieth.
M. C. HOLMES,
Representing one-tenth.

COMMUNICATION FROM F. ARGENTI.

San Francisco, February 23, 1853.

Gentlemen:

I beg to inform you, that I hold in my possession a deed made to me by numerous parties, claiming to be the owners of a franchise covering six hundred feet of the bay of San Francisco, beyond East Street, which deed invests me with one third, in trust, of their several interests in the same; and the object of which deed is to guarantee in a formal manner, by the deposit of said property in my hand, the pledges of a memorial of this date, in which the signers offer, on certain conditions, one third of their said respective interests to the State. The which I hold is signed by parties who represent 4-5ths of the entire property in question, and the same remains with me to abide the action of the Legislature, or its resumption by the other parties in the premises.

Most respectfully,
Your obedient servant,

F. ARGENTI.

To the Honorable the Committee on
Extension of San Francisco.

[Document No. 29.]

IN THE SENATE.] [SESSION OF 1853.

JOINT RESOLUTION

OF THE

COMMON COUNCIL, NO. 316,

PROTESTING AGAINST THE EXTENSION OF THE WATER FRONT OF THE CITY OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

JOINT RESOLUTION OF THE COMMON COUNCIL,

NO. 316.

PROTESTING AGAINST THE EXTENSION OF THE WATER-FRONT OF THE CITY OF SAN FRANCISCO.

Whereas, we are informed that there is before the Legislature of this State a proposition to extend the water-front of our city six hundred feet beyond its present line; and whereas, we believe that such extension must inevitably destroy our harbor, render necessary an alteration of the established grade of our principal streets, at an enormous expense to our city, and by placing far below such new grade the many substantial brick and stone buildings now erected upon such streets, grievously injure our citizens who have, at great expense, erected the same; therefore,

Resolved, That we deprecate any action upon the part of our State Legislature favorable to such extension, and in the name of our city, respectfully protest against the same.

Resolved, That our Senators and Members of the Assembly be requested to use all honorable exertions to prevent the passage of any law authorizing such extension.

Resolved, That his Honor the Mayor be requested to forward to our Senators and Members of the Assembly, a copy of these resolutions, with a request to present the same to the honorable bodies of which they are respectively members.

J. P. HAVEN,
President of the Board of Aldermen.
JAMES DE LONG,
President of the Board of Assistant Aldermen.

Passed the Common Council finally, February 14, 1853.
EDWARD TOBY, Clerk.

I hereby certify the above Joint Resolution to be a true copy of an original one, as passed the Common Council finally February 14, 1853.

EDWARD TOBY,
Clerk.

February 23, 1853.

[Document No. 30.]

IN THE SENATE.] [SESSION OF 1853.

REMONSTRANCE

OF THE

CITIZENS OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

REMONSTRANCE

OF

THE CITIZENS OF SAN FRANCISCO.

To the Honorable the Senate and Assembly of the State of California:

The undersigned, residents of the city of San Francisco, being informed that there is before your honorable bodies, a proposition to extend the present limits of our city six hundred feet beyond the water line established and guaranteed by the Act of your honorable bodies, passed March 26, 1851, beg leave most respectfully but earnestly to remonstrate against the same.

Your remonstrants believe it to have been most clearly proven by the testimony taken before the Committees of your honorable bodies, lately sitting in our city, that the extent which our city plat has already been carried has produced material injury to our harbor, and that the extension now proposed must inevitably work its complete destruction. Your remonstrants would respectfully suggest to your honorable bodies, that it is the peculiarly safe and commodious character of our harbor which has caused our city, in the short period of its existence, to spring from insignificance to its present important position in the commercial world; that if it be deprived of that harbor, its future history must be as remarkable for its sudden and rapid downfall, as it has heretofore been for its surprising and almost unexampled rise and progress; that, whilst to the city of San Francisco the loss of its harbor must be so disastrous, to the State of California such a loss, through its own suicidal legislation, must be an enduring stigma; that the question now before your honorable bodies is not whether you shall ruin or aggrandize individuals, but whether you shall throw away the great advantage our city possesses in its peculiarly commanding position as the commercial centre of this new field of enterprise which Providence has opened to our race; that, if we do this great wrong, we shall deservedly earn the condemnation not only of our sister States, but of the whole civilized world; that, to the individuals who

have in full confidence that the plighted faith of the State in fixing a permanent water-line for our city might be relied upon, expended their energy and their wealth in the erection of the many substantial brick and stone edifices which now adorn our city, the proposed extension would be an act of the greatest injustice, inasmuch as it would require an alteration of the grade of every business street of the city, and a filling in of the same from five to twenty feet; in some of them, even the second story of many of our most valuable buildings would be accessible only by descending below the new grade of the street, and thus incalculable injury would be inflicted upon property holders who have erected such buildings, conforming to the grades established by the Common Council, under the guaranty of a solemn Act of the Legislature.

The undersigned also beg leave to call the attention of your honorable bodies to the fact that the proposed extension cannot be legally effected, inasmuch as a law passed for that purpose would be wholly unconstitutional and void. The Constitution of the United States wisely provides that "no State shall pass any law impairing the obligation of a contract;" and it is not necessary to remind your honorable bodies that legislative grants of vested rights have always been held to be contracts of the highest and most sacred character. Three solemn contracts of this nature have already been made between the State on the one part, and the city of San Francisco, her citizens and the citizens of the State on the other.

The first of these is to be found in the Laws of 1851, page 309, section 4, where it is enacted that the boundary line described in section first of that Act, "shall be and remain a permanent water front of said city."

The second is contained in the Laws of 1851, page 311, section 1, by which the city of San Francisco is authorized to construct wharves at the end of the then existing streets, extending six hundred feet beyond the water front, and to collect wharfage on the same; and in the same section it is guaranteed that the space between said wharves shall remain free from obstructions, and be used as public slips for the accommodation and benefit of the general commerce of the city and State.

The third contract of the same description is to be found in the Laws of 1851, page 309, section 2, by which certain grants of lands are made by reference to a plat upon which streets, slips and harbors are laid down, and upon which a permanent water front is established; and it needs no argument to show that a party making grants in this manner is bound to keep those streets, slips, and harbors forever open as such.

Here, then, are repeated contracts and guaranties of the most solemn character, that the water-line shall be respected, and the harbor kept open as such. On the strength of these contracts, our citizens have invested their capital in buildings and lands; the wharves outside the water-line have been contracted to be built at the expense of a million of dollars; capital has flowed in from abroad, seeking investment; our city has attained an unexampled prosperity, and the tribute she has paid into the treasury has been more than a third of the whole revenues of the State.

To accomplish the proposed extension would reverse this picture of prosperity. That such a project of extension can be accomplished, is impossible for the constitutional obstacles above alluded to; but even the attempt at such legislation would be of itself a serious attack upon the credit of our city and of the State; for anything which impairs the confi-

dence of the world in the faith of contracts, or in the prudence of legislation, strikes a deadly blow at commercial credit and the character of our citizens.

The undersigned, therefore, respectfully call the attention of your honorable bodies to the consideration of the matters above referred to,—not more to the facts of the case than to the plain principles of law involved in the same,—and beg leave to most respectfully but earnestly protest against the proposed legislation as unconstitutional and void in law, ruinous to private interests, disastrous to our city, destructive of commercial credit, and calculated to cast disrepute even upon our State Legislation.

[Document No. 31.]

IN THE SENATE.] [SESSION OF 1853.

PETITION

OF

WILLIAM WEBSTER.

[GEORGE KERR, STATE PRINTER.

PETITION OF WM. WEBSTER.

To the Honorable the Senate and House of Representatives of the State of California:

Your petitioner, WILLIAM WEBSTER, respectfully represents to your Honorable body that he came to California, with his family, on the 2d June, 1849, in which year he bought and took possession of a block of land covered by the tide, situate at Clark's Point, in the city of San Francisco, it being one hundred varas square, and a part of the land since known as the "Government Reserve."

Your petitioner further says, that he was informed by his legal advisers, at the time he purchased and took possession of said property, that the title which he derived was as good as any in the city, (as similar lots had cost no more than $16 per lot.)

Your petitioner went upon said lot in good faith, and improved the same, and placed thereon four large ships, for which he paid the sum of $25,000, and expended, besides, large sums in building houses, piling, and other necessary improvements thereon, in all to the amount of $75,000,—which possession and improvement continued to June, 1851.

Your petitioner says, that while the bill in the last Legislature was under discussion, for the disposal of the Water Lot property of San Francisco, your petitioner was confined to his bed by a long and severe illness, which made it impossible for him to present his case to the knowledge of the Legislature, in order to save his rights in the said premises, and that he afterwards learned, to his surprise and sorrow, that the law had passed confirming the title to the Government Reserve to one or two individuals, without making provision for the protection of those who had long occupied them, and who in good faith had made valuable improvements thereon.

Your petitioner believes it to be contrary to the laws and policy of the State and nation to despoil citizens of their property, or to take and dispossess them thereof and appropriate the same to others, without compensation therefor. Yet such is the result of the law of the last session, entitled "An Act to provide for the disposition of certain property of the State of California;" and in proof of this, let facts speak.

After the passage of said law, to wit, in April last, a suit was commenced in the Superior Court of San Francisco, by the grantees of said Government Reserves, against your petitioner, to recover from him the said lands, and the improvements thereon. It appeared in proof upon the trial of said cause. that the possession of said land by your petitioner was some months prior to the date of the lease, by virtue of which the estate in the said lands was confirmed to the plaintiffs: that by the decree of said Court, made in pursuance of said law, your petitioner was dispossessed of all his said property, and the improvements thereon, amounting to the value of at least $200,000, and the same was given to the claimants of said land, under and by virtue of said law, and no provision was made for the protection of your petitioner and his family in their *home*, where he had resided for more than two years, and on which land his family had, in the time being, increased by the birth of two children.

Your petitioner shows that in addition to the loss of all his property as aforesaid, by means of said law, numerous suits were commenced against him, in reference to the contracts which he had entered into for the further improvement of the said premises, which contracts he was unable to fulfil, by reason of his being dispossessed as aforesaid; and several judgments, to a large amount, have been entered upon said suits against your petitioner, by means of all of which proceedings he has been hopelessly ruined in his estate.

Your petitioner further says, that he has since learned from several of the members of the last Legislature, that at the passage of the said law which confirmed the estate in the Government Reserves to those who claimed the same as lessees, they were not aware of the improvements made thereon by your petitioner, or they would not have voted for the bill without some provision saving the rights of him the early occupant of said land, who in good faith had improved the same.

Finally, your petitioner presents the fact, that his interest above set forth embraces the whole of his gains by his labor and industry for the last twelve years, on the ocean and on land!

That it includes his *estate* and his *home!*

That by the voice of the Legislature, and by no wrong of his own, he has been dispossessed of them!

That in his opinion the said act, omitting a clause to save his private rights, was inadvertently passed.

Therefore, relying upon the justice of our laws, and the equity of his case, he prays for relief.

WM. WEBSTER.

To the Chairman of the Committee on Claims:

SACRAMENTO CITY, April 20, 1852.

What I ask of the present Legislature is, that as the last Legislature passed an Act giving to Palmer & Co. certain lands in the city of San Francisco known as Government Reserves, without any consideration whatsoever to protect me in my long possession, large outlays of money, &c., and as said Palmer & Co. got judgment and dispossessed me through said act; I now ask this Legislature to receive the necessary proof of my outlay and losses, which I am prepared to give at any moment, and to refund to me the amount I have expended without any reference to the Water Lot Bill as it now stands; but should this Legislature repeal such portion of aid bill as will restore said Reserves to the State or city, that is a matter for their consideration. But all I ask is, for the State to refund to me that which they have unjustly taken from me, and which I believe is legally and justly due me.

WM. WEBSTER.

[Document No. 32]

IN THE SENATE.] [SESSION OF 1853.

IN RELATION TO CLAIM

OF

FITZGERALD VOLUNTEERS.

[GEORGE KERR, STATE PRINTER.

IN RELATION TO CLAIM

OF

FITZGERALD VOLUNTEERS.

On the 24th day of November, 1851, Indian hostilities were proclaimed o exist in San Diego county, which was of such a nature that it became bsolutely necessary for the citizens of the county, for their protection, to ake some energetic steps in order to suppress the sudden outbreak. The ad and startling intelligence of the massacre of five of our most esteemed itizens, who had already been basely and brutally murdered, at Agua 'aliente, by order of the chieftain Antonio Gassa. His next steps were to narch with his force (consisting of about two thousand five hundred warors,) to attack and lay waste the city of Los Angeles, having already estroyed the residence of the Hon. J. J. Warner, who, with his family, arrowly escaped. Should he succeed in the utter destruction of Los ngeles, his plans were to take up his line of march down the coast as ar as San Diego, which was to meet a like fate. At a meeting of the itizens of San Diego county, held on the twenty-fourth day of Novemer, eighteen hundred and fifty one, it was

Resolved, That martial law be proclaimed, to exist during the continance of hostilities.

A company of volunteers was organized, known as the "Fitzgerald olunteers," of which Major Fitzgerald, of the United States Army, was ected Captain unanimously, with power to appoint his officers. On the 5th November, the militia met, for the first time, according to order of apt. Fitzgerald, and proceeded to divide the company into two squads, one f which was detailed for duty under Capt. Fitzgerald, for foreign duty; he second division were to remain in the town of San Diego, for sentries nd patrol duty, under Lieut. Kentz. The first division of Fitzgerald olunteers left for the scene of hostilities on the 28th November, and arved, after a tedious march, at Santa Ysabell, where Wm. Marshall and ian Berro were arrested, by a squad under Lieut. Haraszthy. Marshall, will be recollected, was an officer under the chieftain Gassa. The prisners were brought direct to San Diego, where they were tried by a court artial, (which trial lasted some three days,) were found guilty of high

REPORT

OF THE

COMMITTEE ON INDIAN AFFAIRS,

ON THE

CLAIMS OF WRIGHT AND McDERMITT'S COMMAND.

Mr. President:

The Committee on Indian affairs, to which was referred the special message of His Excellency, the Governor, and accompanying papers in relation to the services and claims of Capt. B. Wright, and Chas. McDermitt's Companies of Mounted Rangers, having had the same under consideration, beg leave to report,

That from the evidence before the Committee, they have no reason to doubt but that the services of said companies were demanded by the most urgent and imperative necessity, during the time they continued in the field. The hostility of the Moadock and other Indian tribes in the vicinity of Rhet, Klamath, and Goose Lakes, on our north-eastern frontier, through which the overland emigrant road passes from the Sierra Nevada to Yreka, in Siskiyou county, early in the month of August last, rendered prompt and efficient armed resistance imperatively necessary, to protect the lives of the numerous emigrant families that had entered our State by that route. These families were being daily most inhumanly massacred by ruthless savages. No protection had been furnished by the officer in command of the United States forces in our State, although a most earnest and urgent appeal had been made to that officer, by our citizens of these northern counties, through the Governor of the State, as early as March last, and was replied to by said officer, giving assurances of prompt and immediate protection. No troops reached that frontier until the month of October. Our citizens on that frontier had, by constant

watchfulness, and an occasional expedition against the Indians, been able to continue their usual avocations, with only temporary interruptions. But when the Indians in the vicinity of the Lakes heretofore referred to, which are more than one hundred miles from any organized settlements, had commenced a most bloody, exterminating, and organized warfare upon emigrant trains of our fellow countrymen, every dictate of humanity, justice, and patriotism, demanded the most prompt and efficient aid, and the only possible means of affording it in time to be of any service, was resorted to by the sheriff and people of Siskiyou, and these volunteer companies were organized, sent to the scene of danger, and continued there, performing most active and efficient service, until all the emigration had passed into the settlements. This was accomplished by the citizens most creditably and efficiently, and at serious personal sacrifice, and heavy expense, as papers accompanying the Governor's message, and other evidence before the committee most conclusively prove. On the 7th of August, Chas. McDermitt, Sheriff of the county, with eleven other mounted volunteers, armed and equipped themselves for a twenty days' expedition, and hurried to the relief of several emigrant families, whom they were advised were in imminent peril from these hostile savages, but before they could reach this train, every one, men, women and children, had been massacred. Several bodies were found and buried. This company continued every possible exertion to aid and protect the numerous trains entering this hostile region. Three of their number, Thos. M. Coates, late of the Assembly, Long, and Ously, were killed by the Indians, while in the performance of this duty. The company, however, kept the field until relieved by Capt. B. Wright's company of Mounted Rangers. This latter company was organized and entered upon this service on the 24th of August, and kept the field, in the vicinity of the lakes before referred to until the 24th November last. It had several warm engagements with the Indians, killing, in all, seventy-three of the enemy. The orignal company, under Capt. Wright, numbered twenty one, including officers, and the number engaged with him from first to last, was only thirty-six. Two of this company died in service, and three only were wounded seriously in battle.

In view of these facts, the Committee are constrained to acknowledge the justice of the claims of these men for expenses incurred in the performance of this most important service. Although the services were entered upon and performed voluntarily and without a prior formal order of the Executive, still they were none the less necessary and meritorious, and justice demands they should be remunerated by the State, or the General Government, at whose hands we have a right to demand protection.

The Committee, therefore, in as much as the Executive of the State has, in his special message, justified and recognized the acts of these companies, most respectfully recommend that provision be made for their payment in the same manner as troops heretofore called out by Executive authority, for similar service, and for that purpose report the accompanying bill, and recommend its passage.

R. T. SPRAGUE,
Chairman Committee on Indian Affairs,
Senate.

[Document No. 34.]

[IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION FROM COMPTROLLER OF STATE.

COMPTROLLERS OFFICE,
Benicia, Feb'y 26, 1853.

To His Excellency JOHN BIGLER.

Mr. F. Vassault (State's Prison Contractor,) has this day presented to me a bill demanding payment for work done in the erection of a State Prison, as far as the same has progressed on the main building. The bill is in conformity with the contract made by the State Prison Commissioners with said Contractor. Having on your part called the attention of the Legislature to this subject in your late annual message, and no action having been taken in the matter by that body, as the Comptroller has yet been officially informed, with a view to either restrain or prevent on his part, a compliance with the law by payment in accordance with the terms of said contract, the Comptroller will feel it his duty to make payment by auditing the first bill presented within a reasonable time, unless prevented by law. He deems it proper to state, that as the Legislature is now in session, he would not take it upon himself to exercise any discretionary powers, in the construction or application of said act authorizing the erection of the Prison and mode of payment, for obvious reasons, but would deem it his duty to make the same after sufficient time had elapsed to permit action in the premises deemed expedient. He has adopted this course inasmuch as the especial attention of the Legislature was early invited to the subject by your Excellency, and as the act itself contemplates Legislative action, instead of making an application to the Attorney General for his advice, or his construction of the provisions of said act, or of any Constitutional provisions which may be either relevant or applicable thereto.

The Contractor claims to have made and entered into the contract in good faith; to have given bonds for the faithful performance of the work within a given period; to have made an outlay, for which he wishes remuneration, and calls upon the Auditing Officer for the compensation which he deems himself entitled to receive, as provided by law. The Comptroller finds, on reference to the act, provision, making it his imperative duty to issue a warrant for eighty five per cent. of the amount ascertained and certified to by the Board of Commissioners. It cannot

therefore be expected that this department will decline official action in reference to the bill, or refuse to allow the same in the absence of either Legislative or judicial interposition, especially at a time when either of these branches of the Government could readily and speedily restrain him from such a course, and when, in the absence of action on their part, it would be just to infer that it would meet with their approval.

With respect, I have the honor to be,
Your obedient servant,
WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 35]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

SURVEYOR GENERAL.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

SURVEYOR GENERAL.

SURVEYOR GENERAL'S OFFICE,
Benicia, March 3, 1853.

SIR:—In compliance with the law passed by the last Legislature, "to provide for a Map of the State," I beg leave to report that the said Map is now compiled, and within a few days will be ready for the engraver.

It will be seen, by reference to the Journals of the last session, that the bill originated in the Senate, and passed that body, appropriating the sum of eight thousand dollars to carry the law into effect. This sum was, in the Assembly, cut down to three thousand dollars.

In my annual report I set forth the amount of work done, and that the sum of three thousand dollars had been totally inadequate to complete the work.

The additional sum of nearly five thousand dollars has been expended by me in compiling the Map. This expenditure was for labor performed and services rendered by other persons than myself, and no charge made for any work done by me.

I respectfully submit, that such expenditures as have been made by me, not covered by the appropriations or existing laws, for which I have vouchers, may be audited by the Comptroller.

All of which is respectfully submitted.

WM. M. EDDY,
Surveyor General.

To His Excellency JOHN BIGLER,
Governor of State of California.

[Document No. 36.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

ATTORNEY GENERAL,

AND COPIES OF LEASES OF THE GOVERNMENT RESERVATION IN SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

MESSAGE.

EXECUTIVE DEPARTMENT,
Benicia, March 11, 1853.

To the Senate and Assembly of California:

I have the honor herewith to transmit a copy of a communication received from the late Secretary of State of the United States, enclosing one from Señor Osma, Charge d'Affaires of Peru. The communication of Señor Osma is in relation to a decree rendered in the District Court of the United States for the Northern District of California, on the 24th day of July, 1851, in favor of José Fernando Santiago, and against David B. Morgan and others, Pilots of the Port of San Francisco, for the sum of $24,151 29, for the alleged negligent loss of the Peruvian bark "Eliza," on the 5th day of January, 1851.

The subject is one of some importance, and I have therefore deemed it my duty not only to transmit the papers above referred to, but to state, that I dissent from the views expressed.

Señor Osma, in his communication informs the Secretary of State that he has been instructed by the Peruvian Government to apply to the United States, to obtain from it the reparation deemed due to a Peruvian citizen for the loss complained of. The United States Government can answer for itself as to the responsibility it incurs for an alleged dereliction of duty on the part of a State officer, or rather an individual not representing any department of the State Government, but acting as an individual in a special capacity under its authority.

Señor Osma assumes the position, that if the Pilots' Association was established by authority of the State, and foreign vessels required to provide themselves with Pilots belonging to such association, then is the State responsible for the conduct of those composing the company or association. Señor Osma assumes what the law does not impose. The law of this State regulating Pilotage, so far as respects the Port of San Francisco, leaves it optional with the masters or owners of vessels to take on board a pilot or not, whether inward or outward bound. In this regulation there is no distinction made between national and foreign vessels. In case a pilot offers his services and such service is refused, half pilotage is demanded, and

this as a matter of State police, gives character to the regulation, and is, in fact, a port charge. The system established by this State is analagous to that of the principal commercial States of the Union, without the introduction of any new principle. And, indeed, if whole pilotage were demanded in such cases, the consequence, as it regards the private parties concerned or the authority of the State to enact such regulation, would be the same. The State laws regulating pilotage are not absolute, though the authority of the State is sufficient for that purpose.

The several Acts of Congress recognizing the validity of these laws may be treated as a part of the Revenue system of the United States, or more generally, as a recognition of an international rule based upon the necessity of general intercommunication between nations, under the respective States or Governments adopting them, with such modifications as local circumstances require. No civilized Government, at this day, it is believed, dispenses with such regulations. The Peruvian Government is certainly not an exception. Long established usage, respecting the law of insurance, having rendered a resort to the advantages of this system indispensable throughout the world.

Señor Osma calls upon the Secretary of State to see that the decree of the District Court is carried into effect, and suggests that the Marshal has failed to satisfy the execution issued thereon. Upon an examination of the records it appears, however, that the legal remedy upon the decree was not exhausted. The Marshal states in his return upon the execution, that he levied upon property, which he would not sell until he was indemnified by the libellants. The inference, therefore, is, that the property was claimed by third parties; and where personal property levied upon is thus claimed, no sale can be made unless an indemnity is given, if demanded. In this case it was demanded and refused. The Marshal had, therefore, no alternative but to make the return he did upon the execution, and nothing further was done in court; hence, it does not appear that if the plaintiffs had resorted to a complete remedy that their decree would not have been satisfied. The law establishing pilotage, moreover, requires that each pilot shall, before the granting of his license, give a bond in a certain penalty, for the faithful discharge of his duty. This bond is required as security for those injured by the misconduct of any individual pilot. No attempt has been made to secure the amount of this penalty upon Morgan's bond, thus presenting another instance in which the libellant has failed to exhaust the plain and adequate remedy afforded by law in cases of misfeasance.

The State, it is maintained, is not responsible for the misconduct of a pilot, because a pilot is not an officer of the State in any sense. A Board of Commissioners is created by law to grant licenses to competent persons to act as pilots, but no revenue is derived to the State from these licenses. The establishment of pilotage is not necessary for the administration of the State Government, though, by the law regulating pilotage, the State acquiesces in the universal system adopted by Governments. The State is no more responsible for the conduct of a pilot, acting under a license from the commissioned officers of the State, than for any other person performing a public duty under a license or under a commission. Auctioneers, commission merchants, retail dealers, &c., &c., act under statutory regulations,

and even pay a revenue to the State; but a citizen of Peru dealing with them, acts upon the law of contract, determined by the existing local law, and the State is not the insurer of their fidelity in business transactions. So, also, with the contract for pilotage. There is an option to make the contract, or refuse. By the refusal the vessel subjects itself to an additional port charge of half pilotage. If, however, the contract is made, it is entirely private. It is, in fact, simply a contract between individuals of two Governments, with which the Governments have no connection.

If the recognition of the general system of pilotage by this State establishes its responsibility for all pilotage contracts, the Government of the United States could not escape from an equal responsibility, for the reason that the United States have adopted the pilotage laws of the several States, by Acts of Congress, either as a part of the Revenue Laws, necessary to their complete enforcement, or by an expressed acquiescence in the international usages of the world.

Without further remark the subject is commended to your careful consideration, with the suggestion that such instructions be given in the premises as you may deem proper.

JOHN BIGLER.

ul.

COMMUNICATION FROM

SECRETARY OF STATE

OF THE UNITED STATES.

[COPY.]

To His Excellency JOHN BIGLER,
Governor of the State of California.

DEPARTMENT OF STATE.
Washington, 15th June, 1852.

Sir:—I transmit a copy of a note and the accompanying papers, addressed to this Department by Mr. Osma, the Chargé d'Affaires of Peru, under date the 2d inst. and of the reply of the department of this date,* relative to the shipwreck of the Peruvian barque Eliza, in the bay of San Francisco, in consequence of the ignorance or negligence of her pilot.

If, as Mr. Osma represents, the Association of Pilots of San Francisco has been established under a law of the State of California, that State must be considered as responsible for those acts of negligence or ignorance on the part of the association for which the means of its members, jointly or severally may be inadequate to make reparation. I therefore commend this case to the favorable consideration of your excellency, and trust that provision will be made by the State of California for the payment of the claim.

I have the honor to be, very respectfully,
Your Excellency's obedient servant,
DAN'L WEBSTER,

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* The reply referred to has not been received at this Department.

PLEADINGS IN CASE OF BARK ELIZA.

[TRANSLATION.]

WASHINGTON, June 2d, 1852.

The undersigned, Charge d'Affaires of Peru, in pursuance of instructions from his Government, has the honor of addressing himself to His Excellency the Secretary of State of the United States, for the purpose of calling his attention to the claim which will form the subject of this note.

On the 5th of January, 1851, as it is proved by documents, of which the undersigned encloses copies, the Peruvian bark "Eliza," from Callao, was lost on the banks of Tonquin, in the Bay of San Francisco, while entering that port.

The loss of this vessel being attributed to the carelessness or ignorance of the pilot of the port of San Francisco, David B. Morgan, under whose guidance said vessel was, at the moment she was lost, her captain, E. G. Montano, appeared before the District Court of California against the aforesaid Morgan and his associates, asking to be duly indemnified for the injuries he had sustained by the loss of his vessel.

All proceedings in the case having been gone through, Montano obtained from the District Court a verdict for the amount of twenty-four thousand one hundred and fifty one dollars twenty-nine cents ($24,151 29); but on said sentence being ordered to be executed, the Marshal of the United States for that District returned the writ, stating that he could not carry out the instructions of the Court, for want of property.

As Morgan belonged to a company of pilots, acting under the authority of the Government of the State of California, and as said company, in virtue of their charter, must be possessed of considerable funds to meet such demands as might be made against it, the Peruvian Government has thought that it would be expedient to instruct the undersigned to apply to the Government of the United States, so as to obtain from the latter that very just reparation, which, in spite of the District Court of California, a Peruvian citizen has not been able to secure in that State.

There can be no doubt, that if the company, as it appears, has been established by law, and foreign vessels are obliged to provide themselves with pilots out of those which constitute said company, the latter must be responsible, as the District Court of California acknowledged by the verdict which it rendered in favor of Montano, for the losses and damages which may be sustained by such vessels through the ignorance or carelessness of the pilots, and if the company has not the means to pay, notwithstanding that the sum of two hundred and seventy-one thousand dollars ($271,000), arising out of profits, has been divided among its members in the course of fifteen months, the State of California, which compels foreign vessels to employ unskillful and irresponsible pilots, should, it appears, by a just application of the rules of equity, be also bound to indemnify the owners of those vessels in all cases like the one alluded to in this note.

Relying upon the justice of the claim which Captain Montano has submitted to the Peruvian Government, and in the rectitude of principle which characterizes the Government of the United States, the undersigned hopes that the Secretary of State of the United States will be pleased to consider the matter he has had the honor of laying before him, and that he will adopt such measures as are necessary, in order that Montano may be indemnified by the State of California, or that the sentence of the District Court of that State in favor of Montano, and against Morgan and his associates, may be fully carried out.

The undersigned begs that the Secretary of State will be pleased to accept the assurances of his most distinguished consideration.

JUAN Y. de OSMA.

The Most Excellent THE SECRETARY OF STATE
OF THE UNITED STATES.

[COPY.]

UNITED STATES OF AMERICA.

STATE OF CALIFORNIA, }
City and County of San Francisco. }

By this public instrument of protest be it known, that on this fourth day of October, in the year of our Lord one thousand eight hundred and fifty-one, before me the undersigned notary public duly commissioned and sworn in and for the county aforesaid, personally appeared Sr. Don Estevan G. Montano, late master of the Peruvian bark "Eliza," who did before me and in the presence of subscribing witnesses, first having been duly sworn upon the Evangelists of Almighty God, declare and depose to wit: That having upon the fifth day of January last past taken on board his said bark Eliza, David B. Morgan, a duly licensed pilot belong-

ing unto the Pilot Association of San Francisco aforesaid, and resigned the direction of said bark into the hands of said Morgan, by whose unskilfulness or neglect the said bark Eliza was stranded upon Tonquin Shoal, a bank contiguous to and in the anchorage of said Bay of San Francisco, whereby the cargo belonging unto him the said Montano and unto others, laden on board the said vessel, was badly damaged, heavy costs, charges, and expenses accrued; and the said bark Eliza so much injured as to be worthless as a seagoing vessel, and rendered of little intrinsic value whatsoever, to the great detriment, loss and hurt of him the said master, the owners thereof and shippers or consignees of cargo laden on board said vessel: *And furthermore*, Judgment having been rendered by decree of the honorable Judge of the District Court of the United States for the northern district of California, on the twenty-fourth day of July last passed, in favor of José Fernando Santiago, in the sum of *twenty-four thousand one and fifty-one dollars and seventy-nine cents*, for damages sustained through the acts of the said David B. Morgan; *and furthermore*, That as on the sixteenth day of August of this present year the honorable judge aforesaid did unto the marshal of the northern district of California, command execution of the decree and judgment so awarded, and levy upon the goods and chattels of certain and sundry persons therein named, to wit: the members and copartners of the said Morgan in and of the said Pilot Association; and as on the second day of September of this present year, return to the honorable court was by the said marshal made of "no property found," and the said Montano, the owners of the said bark Eliza and of the cargo so damaged and injured on board said vessel by the acts of the said Morgan, having failed to recover the amount of the injuries so sustained through and by the acts of a pilot regularly licensed by the State of California, and remedy and redress for the grievous wrongs so sustained, being withheld, now therefore the said Estevan G. Montano, late master aforesaid, as well for himself as for all others whom it shall or may concern, doth protest, and I the said Notary at his especial instance and request, do by these presents most solemnly and publicly protest against the said David B. Morgan, a pilot aforesaid, and each and all his associates or copartners in the said Pilot Association of the State of California, by legislative action of which the said David B. Morgan was authorized to be licensed as a pilot, and against all and every person or persons, whom it might, should, shall or may concern, and against all things, powers or matters proper or necessary in the premises to be protested against, for all losses, injuries, costs, charges, hurt or detriment which have occurred or that may hereafter be incurred by the said Montano, or all others interested in the bark Eliza as aforesaid, or in the cargo injured as aforesaid in the aforesaid bark Eliza, by reason of him the said Montano, master aforesaid, and as such acting as aforesaid for those concerned in the injuries, costs and detriments sustained and incurred in the matter aforesaid, being refused and having unjustly withheld from him or them the remedy, redress and pecuniary satisfaction to which the owners of the said bark Eliza and of her cargo, together with him the said Estevan G. Montano, late master aforesaid, are so justly entitled by the decree and judgment of the aforesaid District Court of the United States for the northern District of California.

Thus done and protested at my office in the city of San Francisco

aforesaid, in the presence of John Middleton and George S. Porter, legal witnesses, the day and year aforesaid.

(Signed.) J. P. HAVEN, Notary Public.
ESTEVAN G. MONTANO.

(Signed.) JOHN MIDDLETON.
GEORGE S. PORTER.

In witness whereof I have hereunto affixed my hand and Notarial Seal, in San Francisco, this fourth day of October, A. D. 1851.

(Signed.) J. P. HAVEN,

Notary Public.

{ Seal. }

True Copy.

[COPY 2.]

By this public instrument of writing be it known: That before me, the undersigned Notary Public, duly commissioned and sworn in and for the city and county of San Francisco, State of California, personally appeared on the 5th day of January, 1851, Estevan G. Montano, master of the Peruvian barque "Eliza," and made due note of his intention to protest, and now on the date of these presents again came the said Estevan G. Montano, together with Joseph Devoto and Santiago Descalso, wheelsmen and mariners belonging unto the said vessel, all of whom having first been duly sworn according to law, did declare that they, the said appearers, set sail from the port of Callao the 17th day of November, 1850, in the said barque Eliza, the said vessel being then staunch, strong, well victualled, manned, provided with all things necessary for the prosecution of her intended voyage to this port of San Francisco; that during the voyage nothing particular occurred worthy of mention herein, save the death of the mate, and that the voyage was successfully and safely prosecuted until the fourth day of January of this present year, at one o'clock p. m., of which day they entered the mouth of the bay of San Francisco, in company with a number of other vessels, and in consequence of light winds and adverse tide, they drifted to sea again.. At 2 p. m. they again entered the mouth with a favorable breeze from southeast, and proceeded as far as Mile Rock, where the wind failing they remained stationary, slowly drifting in company with other vessels ahead and

astern, when of a sudden the British ship Agenoria dropped anchor with a cast to port, and the same time another British vessel, the Barca Donna Carmilita, came to a little ahead of the Eliza and on her port board, preventing the Eliza casting to port so as to clear the foul berth made by the Agenoria, and upon both the British vessels aforesaid swinging to their anchors, they came in contact on both sides of the Eliza, crushing and damaging her to the following extent: staving the poop cabin, main top-gallant-mast, spanker boom, gaff topsail, bulwarks both sides from the mainmast aft, with two boats and their davits, one anchor, jib-boom and flying-jib-boom, with sails and rigging, broke the wheel, and many other injuries of less magnitude, compelling the Eliza after clearing wreck to anchor in forty-five fathoms of water. Upon trying the pumps several times, the vessel did not appear to have made any water. At daylight the next day endeavored to enter the harbor, but in her then crippled condition, with an unfavorable wind they made no progress. At 11 o'clock a. m., 5th, took a pilot on board, and the vessel was placed in his hands. In the afternoon of same day, near 3 p. m., set such sail as they could, with fair wind and contrary tide, to reach the harbor, sailing through the entrance with a fair wind and contrary tide; a little past sunset they were near the U. S. ship Savannah, lying at anchor, when the pilot ordered the wheelsman to luff, and on being twice remonstrated with by the master, by reason of such course bringing them in dangerous proximity with the bank known as the Tonquin Shoal, the pilot, David B. Morgan by name, replied "never mind, he knew where to go." At 7 p. m., they suddenly struck upon the bank. The wind coming from the shore, they endeavored by every disposition of the sails to force her off, but the tide receding, they were unable to do so and remained all night. Up to 10 p. m., the vessel made no water, but after that hour she commenced beating on the ground and to leak, which gradually increased so much that the pumps, which were constantly kept at work, were unable to free her, especially after from much use one of the pumps was rendered unserviceable. At daylight the master came on shore for assistance, and having obtained men, a fire engine and lighters, they endeavored to free the vessel and commenced to discharge the cargo, so as to lighten the vessel enough to extricate her from the perilous situation in which she was placed. By the discharge of her cargo, much of it in a damaged condition, the vessel in the course of nine days was floated off and brought into the inner harbor, and run on the mud near to Rincon Point. And the said master and appearers further declared that all the injuries which have occurred to the vessel and the cargo of her lading, were occasioned solely by the causes herein recited, and not from any deficiency in the vessel or by fault or negligence of her master or mariners.

Wherefore he did declare to protest, and I the said Notary, at his request did as by the presents I do, most solemnly and publicly protest against the aforesaid vessels, the Donna Carmelita and Agenoria, for the injury sustained by the collisions and also against the said David B. Morgan, the pilot aforesaid, in whose hands and by whose unskilfulness and negligence the vessel was run ashore, as well against all person and persons striking facts or occurrences, whom these presents shall or may concern, for all losses, damages, costs, charges and expenses incurred thereby, or that may be hereafter sustained by reason of the occurrences aforesaid.

Thus done and protested in due form of law, at the office of and before me the said Notary, this 23d day of June, eighteen hundred and fifty-one.

(Signed.) J. P. HAVEN,
Notary Public.

(Signed.) ESTEVAN G. MONTANO,
G. DEVOTO,
SANTIAGO DESCALSO, his X mark.

United States of America,
City of San Francisco.

I, the undersigned Notary Public, duly commissioned and sworn, hereby certify the foregoing instrument to be a true copy of the original recorded in my book of Notarial Records.

In testimonium veritatis
(Signed.) J. P. HAVEN,
Notary Public.

A Seal.

True Copy.

[COPY 3.]

IN ADMIRALTY—

To the Judge of the District Court of the United States in and for the Northern District of California.

Jose Fernando Santiago, of Lima, in the Republic of Peru, exhibits this his libel against Lewis Coxalter, Lewis Raines, Robert G. Leitch, David B. Morgan, H. W. Dale and W. H. Joliffe, pilots at the port of San Francisco, on a cause of contract civil and maritime. And thereupon the said Josa Fernando Santiago doth allege and articulately propound as follows, to wit :—

First.—That the said defendants were at the several times hereinafter mentioned copartners, engaged in the business of piloting and navigating

vessel safely and securely into the harbor of said port of San Francisco for a reasonable reward in that behalf to be paid.

Second.—That on or about the 17th day of November 1851 the said plaintiff having been the owner of a certain bark or vessel called the "Eliza," whereof Estevan G. Montano was then master, she being a maritime vessel used in navigating the high seas and waters within defluxe and reflux thereof and the said defendants being such pilots as aforesaid, and the said bark Eliza having sailed from Callao in said Republic of Peru for said port of San Francisco on the fifth day of January, 1851, the said defendants as such copartners by said Morgan, professing to be such pilots as aforesaid, whose duty it was to conduct and navigate vessels safely entering said port from the entrance of the harbor to their proper anchorage or moorings in said port, came on board and took charge of such vessel as such pilots by said Morgan one of said partners and then and there undertook for reasonable compensation to them in that behalf to conduct and navigate said vessel safely to the proper moorings or anchorage in said Harbor.

Third.—That said defendants entirely disregarding their duty and undertaking in that behalf did not safely conduct said vessel to her proper moorings in said harbor but on the contrary thereof entirely disregarding their duty and undertaking in that behalf so negligently and carelessly conducted and navigated said vessel that through their carelessness and negligence the said vessel struck upon a certain bank or shoal in said harbor.

Fourth.—That said vessel was in consequence thereof greatly damaged in her hull and rendered leaky insomuch that in consequence thereof the cargo of said vessel was greatly damaged by said leakage and said vessel greatly injured—and said vessel remained on said shoal for the space of nine days next ensuing.

Fifth.—That during said time every exertion and large sums of money were paid by the libellant endeavoring to get said vessel afloat—that the cargo was necessarily discharged by lighters for the purpose of getting her afloat.

Sixth.—That after getting said vessel of said shoal and afloat she was in such a damaged and leaky condition that it became necessary and she was therefore run upon the mud at Rincon Point in said bay in order to prevent her going under water.

Seventh.—That said defendants formed their copartnership by virtue and under an Act of the Legislature of this State entitled "An Act

Eighth.—That the libellant has sustained damage as aforesaid to the amount of twenty thousand dollars for injuries sustained by said vessel

and to said cargo and loss of time, delay and necessary expenses incurred by reason thereof.

Ninth.—That all and singular the premises are true.

Wherefore, the libellant prays that process of monition may issue to the Marshal of District aforesaid commanding him to cite and admonish the said Lewis Coxalter, Lewis Raines, Robert J. Leitch, David B. Morgan, H. W. Dale and W. H. Joliffe to appear before this honorable Court on the 10th day of June, 1851, or on such other day to be inserted in said monition as the Court shall direct, then and there to answer the libellant in the premises according to courts of admiralty and the rules and practice of this honorable Court in civil causes of admiralty and maritime jurisdiction, and that this honorable Court will be pleased to pronounce for the libellant aforesaid claim against said defendants, and decree the same to be paid with costs, and for such other and further relief and redress as to right and justice appertain and as the Court is competent to give in the premises.

Dated San Francisco, May 28, 1851.

(Signed) P. JOSE FERNANDO SANTIAGO.
ESTEVAN G. MONTANO.

E. Cooke, Proctor.
Horace Hawes, Advocate.

On this 28th day of May appeared before me personally Estevan G. Montano, who being first duly sworn doth depose and say—that he was at the times in said libel mentioned master of said vessel and the agent of the libellant, is now in Lima in the Republic of Peru, and that said Montano has read the foregoing libel and knows the contents thereof and the same is true of his own knowledge.

(Signed) JOHN A. MONROE,
U. S. Commissioner.

True Copy,
OSMA.

[COPY 4.]

District Court of the United States for the Northern District of California.

[STIPULATION,]

Entered into in pursuance of the rules of practice of this Court.

Whereas a libel was filed in this Court on the 28th day of May in the year of our Lord one thousand eight hundred and fifty-one, by Jose Fernando Santiago, against Lewis Coxalter, Lewis Rains, Robert J. Leitch, David B. Morgan, H. W. Dall and W. H. Joliffe, for reasons and causes in the said libel mentioned, and Frederick Roding and Nicholas Larco his sureties, parties hereto, hereby consenting and agreeing that, in case of default or contumacy on the part of the libellant or his sureties, execution may issue against goods, chattels and lands, for the sum of five hundred dollars conditioned the libellant above named shall pay all costs and expenses which shall be awarded in the final decree by this Court in case of appeal by the appelate court.

FREDERICK RODING,
NICHOLAS LARCO.

Taken and acknowledged this 28th day of May, 1851, before me.

JOHN A. MONROE,
U. S. Commissioner,
Northern Dist. of California. S.S.

Parties to the above stipulation being duly sworn doth depose and say, each for himself, that he is worth the sum of five hundred dollars, over and above all his just debts and liabilities.

FREDERICK RODING,
NICHOLAS LARCO.

Sworn to this 28th day of May, 1851, before me,

JOHN A. MONROE,
U. S. Commissioner.

[COPY.]

The President of the United States of America to the Marshal of the Northern District of California, greeting:

Whereas a libel has been filed in the District Court of the United States of America for the Northern District of California, on the 28th day of May, in the year of our Lord one thousand eight hundred and fifty-one, by Jose Fernando Santiago, against Lewis Coxalter, Lewis Rains, Robert J. Leitch, David B. Morgan, H. W. Dald, W. H. Joliffe, action civil maritime for damages to bark Eliza therein alleged to be due the said libellant, amounting to twenty thousand dollars, and praying that a citation may issue against the said respondents, pursuant to the rules and practice of this Court; now therefore, we do hereby empower and strictly charge and command you, the said Marshal, that you cite and admonish the said respondents, if they shall be found in your District, that they be and appear before the said District Court on the 10th day of June, at the City Hall, in the city of San Francisco, then and there to answer the said libel, and to make their allegations in that behalf, and have you then and there this writ, with your return thereon.

Witness the Honorable Ogden Hoffman, Jr., Judge of said Court, this twenty-eighth day of May, in the year of our Lord one thousand eight hundred and fifty-one, and of our independence the seventy-fifth.

(Signed) JOHN A. MONROE,

True Copy,

OSMA.

[COPY.]

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court Room in the City of San Francisco, on Wednesday the ninth day of July, in the year of our Lord, one thousand eight hundred and fifty-one, present:

The Hon. Ogden Hoffman, Jr., District Judge—José Fernando Santiago *vs.* D. B. Morgan and others. This cause having been heard on the pleading and proofs, and having been argued by the Advocates of the respective parties, and due deliberation being had in the premises, it is now ordered, adjudged, and decreed by the Court, that the libellant recover against the

defendants, and that it be referred to a U. S. Commissioner to ascertain amount of damages.

(Signed) OGDEN HOFFMAN, JR.,
U. S. District Judge.

True Copy,

OSMA.

[COPY.]

District Court of the United States, for the Northern District of California. José Fernando Santiago *vs.* David B. Morgan and others.

COMMISSIONERS REPORT.

In pursuance of a decretal order made in the above entitled cause, on the ninth day of July, in the year of our Lord, one thousand eight hundred and fifty-one, by which, among other things, it was referred to the undersigned, one of the Commissioners of this Court, to ascertain and compute the amount due the Libellant for the loss of the Bark "Eliza," and to report thereon to this Court with all convenient speed.

I, John A. Monroe, the Commissioner to whom the matter was referred, do report, that I have been attended by the Proctor for the Libellant and for the Libellees, and have taken and examined the testimony offered in support of the Libellant's claim, and do find that there is due to the Libellant for monies paid in saving the cargo of said ship and other expenses incurred by reason of her being aground and unfit for use, $9,151 79
For value of Bark "Eliza," - 15,000 00

Total, $24,151 79

All of which is respectfully submitted.

Dated, San Francisco, July 23d, A. D., 1851.

(Signed) JOHN A. MONROE,
U. S. Commissioner.

True copy,

OSMA.

[COPY.]

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court Room in the City of San Francisco, on Thursday the twenty-fourth day of July, in the year of our Lord, one thousand eight hundred and fifty one, present:

The Hon. Ogden Hoffman, Jr., District Judge.

José Fernando Santiago *vs.* David B. Morgan and others.

On reading and filing the report of John A. Monroe, U. S. Commissioner, to whom the above matter was referred, by which there is reported due the Libellant, for damages accruing from the loss of the Bark "Eliza," the sum of twenty four thousand one hundred and fifty-one 79-100 dollars. On motion of E. Cook, Proctor for the Libellant, it is ordered that the report be in all things confirmed, and that the Libellant recover in this action against the said Defendants the amount reported due, together with his costs to be taxed.

(Signed) OGDEN HOFFMAN, JR.,
U. S. District Judge.

True Copy,
OSMA.

[COPY.]

The President of the United States of America, To the Marshal of the Northern District of California, Greeting:

Whereas a libel was filed in the District Court of the United States, for the Northern District of California, on the twenty-eighth day of May, eighteen hundred and fifty-one, by José Fernando Santiago, against Lewis Coxalter, Lewis Rains, Robert J. Leitch, David B. Morgan, H. W. Dald and W. H. Joliffe, and such proceedings were thereupon had, that by the judgment and decree of the said Court, in the said cause, entered on the twenty-fourth day of July, eighteen hundred and fifty-one, the said Lewis Coxalter, Lewis Rains, Robert J. Leitch, David B. Morgan and W. H. Joliffe were required to pay to the Libellant, José Fernando Santiago, the sum of twenty-four thousand one hundred and fifty one 79-100 dollars, besides his costs in this suit to be taxed, and execution was ordered therefor—and, whereas, the said costs have been taxed at two hundred and twenty-eight 45-100

dollars, as by the records and files of said court fully appear. Now, therefore, we command you, that of the goods and chattels of the said Lewis Coxalter, Lewis Rains, Robert J. Leitch, David B. Morgan and W. H. Joliffe in your District, and in default of goods and chattels of them, then of the lands and tenements in your district of which they were seized, on the day you shall receive this writ, you cause to be made the sum of twenty-four thousand three hundred and eighty 24-100 dollars, and further, that you have those moneys in said Court, at the Court Room, in the City of San Francisco, on the first Tuesday of September next, to render to the Libellant in satisfaction of said decree.

Witness the Hon. Ogden Hoffman, Jr., Judge of the said Court, the sixteenth day of August, 1851.

JOHN A. MONROE, Clerk.

Wood and Cook, Proctors.

MARSHAL'S RETURN.

Levied on the Schooner Rialto, August, 18th, 1851, but an indemnifying bond having been demanded from the Plaintiff, which was not given, the Schooner and this writ were returned; money not made, no property found this second day of September, 1851.

D. F. DOUGLASS,
U. S. Marshal.
By George P. Johnston,
Deputy Marshal.

[copy.]

I, John A. Monroe, Clerk of the District Court of the United States, do certify that the foregoing are full, true and correct copies of the pleadings on file in this cause in this Court.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, the sixth day of September, A. D., 1851.

(Signed) JOHN A. MONROE,
Clerk U. S. District Court.

[a seal]

True Copy,

OSMA.

[Document No. 39.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

ON THE

COMMITTEE ON CLAIMS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON CLAIMS.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the account of the Pioneer Upholstery, having examined the same and made such deductions and allowances as in their judgment appeared correct from the information derived from the Agent of the Company as well as from others, acquainted with the current prices of such articles as are specified in the accounts, and the Superintendent of Public Buildings having certified as to the articles ordered, without having agreed as to any price to be paid for them, your committee deemed it their duty to settle the prices at reasonable rates, and not to curtail the profits of trade.

Your committee, therefore, report the accompanying bill for the payment of the Pioneer Upholstery, and ask that it may be passed.

All of which is respectfully submitted.

CHAS. F. LOTT, Chairman.

[Document No. 40.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

COMMITTEE ON FINANCE.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON FINANCE.

MR. PRESIDENT:

Your committee, directed by the Senate to correspond with the mail agent for California, in relation to "non-transmission of papers and public documents from the Post Office at Benicia," respectfully

REPORT,

That in compliance with the duty imposed upon your committee, a letter was written and directed to "James M. Goggin, Esq., Col. Moore, or the U. S. Mail Agent for California," and that the same was on the day of being written (2d inst.) directed to San Francisco, and forwarded by Wells, Fargo & Co.'s Express.

To this communication, no reply has been received from the proper officer, although regularly received; as on the 6th instant, a communication was received, signed J. D Brockett, Assistant Postmaster, Benicia, which, together with the copy of letter forwarded by your Committee to the Mail Agent, is respectfully submitted.

From this document, (the letter of Brockett,) corroborative of previous information, it would appear that the important mail destined for the Atlantic States was not forwarded, and that such improper detention took place as is provided to be furnished by Act of Congress regulating the Post Office Department, page 296, vol. 4, Biven & Duane's Laws of the United States.

Your Committee, however, in view of all the circumstances, recommend the adoption of the resolution annexed, and ask to be discharged from further consideration.

Respectfully submitted,

PAUL K. HUBBS,
Chairman Committee on Finance.

[Document No. 41.]

IN THE SENATE.] [SESSION OF 1853.

REPORTS OF THE MAJORITY AND MINORITY

OF THE

SPECIAL COMMITTEE

UPON THE SUBJECT OF

EXTENDING THE WATER FRONT

OF

SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

MAJORITY REPORT.

The undersigned, of the committee to whom was referred that part of the Governor's message relating to the extension of the Water Front of the city of San Francisco, together with numerous petitions and memorials of citizens and of the corporate authorities of said city relative to the same subject, respectfully submit the following report:

The harbor, known in 1849 as the harbor of San Francisco, flanked north and south by the headlands of North and Rincon points, and stretching inwards somewhat in the form of a crescent, as far as Montgomery street, is now almost entirely filled up and occupied as the business part of the city. The boundary line of this, the eastern front, as fixed and declared permanent by the fourth section of an Act of the Legislature, passed March 26, 1851, extends even a little farther out into the bay than the headlands before mentioned; and when the same shall be fully built up to and improved, the city will have a water front of sufficient extent and adequate depth of water to supply all the wants of her commerce and trade. The further extension of said front six hundred feet into the bay, would not materially increase the extent on the eastern front, while a greater depth of water than the present front now enjoys, would not be necessary to enable vessels of the largest class to lie at the wharves.

So far, therefore, as the eastern front of the city is concerned, we can discover no public necessity or convenience which demands any action on the part of the Legislature, conflicting either in letter or spirit with the guaranty, or at least the declaration, that "the said boundary line shall be and remain a permanent water front of said city," contained in the Act above referred to.

The testimony taken by the committee conclusively shows, that the city has already been extended too far, and that the harbor would be materially injured by any further extension. Protection from the headlands, which is still to some extent enjoyed, would be destroyed, and the roadstead, between

[illegible] [illegible] [illegible] [

water to the average depth of fifty feet, and is an arm of the sea, entirely useful and necessary for navigation, and the right nowhere lies to fill the same up. Over it, Congress holds the power of regulating commerce and navigation. This power is among those distinctly granted to the General Government by the States. The State is entitled to municipal control, and may make such regulations as will facilitate, not interfere, with its navigable advantages; and it is her duty, under that power, to pass laws making it a penal offence for any person, upon any pretence whatever, to make such use or occupation of it, or in anywise to so obstruct it, as to interfere with the free use of citizens for navigable purposes.

Any obstruction placed in any of the navigable waters of the State, would, upon complaint, be abated as a nuisance; and we do not believe that the State, with a view of profit to herself, has the right to do any act which, in a citizen, would be a nuisance.

The privilege of constructing piers, when needful, for the accommodation of shipping, is the only privilege, of an obstructing nature, commonly compatible with the right of the State and the public rights of all her citizens; and this forms no exception to the rule, but rather proceeds upon the principle that the facilities afforded by a pier to vessels in unlading, overcome objections, on the score of obstructions to general navigation.

This authority, except so far as the United States, under the power to regulate commerce, may interfere, resides exclusively in the State; and so far as the same assumes the character of "property," is held in trust for the benefit of the people. The State may authorize another party to use the authority, but she cannot divest herself of it: nor can any other party become seized of it, for the reason, among others, that no other authority or person can take the place of the State in her character as the guardian or trustee of public rights.

In so far, therefore, as public duty, proper exercise of legislative power, and regard for the wants of the people may demand any action with this property, such action should be untrammeled by any regard for, or connection with, unfounded pretences of title in parties, whom the common usage of ages and the voice of reason declare incompetent of being invested with a right, which, in its nature, can only be wielded by a sovereign power through those to whom such sovereignty is delegated.

That part of the city front lying north of North Point, so far as injury to the harbor is concerned, is not liable to the objections, in regard to extension, urged against the eastern front; on the other hand, improvements made upon the same, out to deep water, may increase wharf privileges, and be an advantage to commerce.

Your committee do not wish to be understood as assenting to the expediency of extending the city front upon North Beach. It is true, that the same objections cannot be urged against it on the score of injury to the harbor, as against other portions. But when we consider the probable results flowing from once more opening this subject, prudence will dictate the policy of the State standing upon the line of demarcation heretofore established. It is possible that, at some future day, an overuling necessity may force the State to recede from her position. But at present, your committee are sincerely convinced that no public interest requires or desires it; and that private speculation only will be accommodated. The success

of this private speculation is based upon a robbery of the rights and property of the State; and notwithstanding this Legislature is well convinced that her interest has not passed from her control, it should be remembered that another arm of Government, independent of the Legislature, may be called upon to interpose its power. It is well known that the whole of this property has been divided into city lots, which are being sold every day for valuable considerations. That any property which the State may assert therein, will be defeated, seems to be a foregone conclusion to the very large, influential and wealthy class of citizens interested in those prematurely established Water Lots. From every source of information within reach of your committee, they are satisfied that these parties are the only ones desirous of extension; and it is evident that they will regard as legal only so much of an act as extends the front line, while so much of it as appropriates the lots included within said line to the use of the State, will be regarded as an infringement of their assumed rights.

Your committee do not acknowledge even the shadow of title in those who profess to have a claim to it; on the contrary, it is unquestionably true that the State has never granted away any portion of the fee simple to the property outside of what she declared, in the first Act on this subject, as the permanent Water Front of the city; and there can be no doubt but that the State would come off triumphant in a contest, even though a large class, with unlimited capital, and influence reaching into every avenue of social and political life, would be enlisted against her. But it cannot be denied that there is risk in the experiment. Misfortune sometimes befall litigants before an issue on the merits is reached, and collateral questions sometimes create delay, which amounts, in a great measure, to a denial of justice. No valid reason can be presented to justify the State in leaving the impregnable position which she now occupies. South of Rincon Point the City Front, already established, has an average depth of about twenty-five feet. It will, no doubt, be a long time before the city, in that portion of it, will be improved up to said line, and your committee urge the same reasons against extension here, as against the eastern Front.

Your committee believe that if the present water line were permanently fixed upon, and all hope by interested parties of extending the same further, entirely cut off, a different system of improvement would be adopted at once, and would be built upon said. A line which would prevent the material used in filling up, from pressing the soft and muddy bottom out into the bay. Some shoaling from this cause has already taken place, but no real apprehension exists of permanent injury to the channel therefrom, as the swiftness of the current will keep the same clear. But even if said shoaling should be dangerous, the remedy is in the hands of those most interested, and self protection will bring such remedy into requisition.

Your committee believe the owners of lots upon the present Water Front have become invested with the right to keep said front open and free from being closed up. The Legislature, by Act known as the first Water Lot bill, confirmed to such owners their title, and in the same Act, declared that the said front boundary line should be and remain a permanent Water Front of said city, by which the right to said front became a part of the title, and cannot be dissevered without the consent of the owners. Other questions,

not within the province of your committee's duties, have been raised against these titles, as against the State; but these questions affect the whole title, which must stand or fall with the Water Front right inseparably attached to it.

Most of the property along and near the line of the Water Front, as defined by the Legislature, has been sold and resold at prices greatly enhanced, in consequence of its locality, and upon the faith of State legislation.

Permanent grades of streets, and a system of sewerage, have also been established by the city authorities, and valuable buildings have been erected in conformity therewith, under the presumption and belief that a sovereign State would adhere to her solemn enactments, and not again open and render unsettled that which she had declared should be and remain permanent. Good faith, equal and exact justice to all, injury or favor to none, are attributes of government which should be strictly adhered to in all matters of legislation.

If we have the power, and should, in violation of previous legislation, again extend this Water Front and establish some other permanent Water Line, would there be any security or protection against a still further extension at some future period? Would we not, to some extent, impair, if not entirely destroy, the confidence of our citizens in the stability and wisdom of State legislation? There can be no doubt that an indiscriminate extension would be productive of incalculable pecuniary injury to a large class of our own citizens, as well as many enterprising foreigners, who, trusting to our liberal laws, have invested their capital in this property. These might justly complain that they had received a cruel and grievous blow from the very arm to which they had reason to look for paternal aid and protection, and with our citizens and the civilized world the credit and prosperity of our State would proportionably suffer.

The undersigned would, therefore, earnestly recommend, that no extension of the city front be made upon any portion of the city.

They recommend as absolutely necessary and proper that the subject be quieted by the passage of a law prohibiting, under pain of suitable penalties, any obstructions being placed in any part of the harbor outside of the present boundary line. This is necessary to save the harbor from ruin, and is the only protection which the harbor needs.

The committee, in reporting back their views as herein expressed, ask to be discharged from the further consideration of the subject.

A. P. CATLIN,
J. H. BAIRD,
J. R. SNYDER,
JOHN S. HAGER.

Benicia, March 17, 1853.

MINORITY REPORT.

The Committee on Commerce and Navigation, with the addition of the delegation of San Francisco, to whom was referred the proposition respecting the Extension of the Front of the City of San Francisco, contained in the message of His Excellency, the Governor, of 4th January, 1853, as to whether "the present limits of the City may not, without injury to the Harbor, be extended"—have considered this branch of the subject, and the undersigned beg leave to report as follows:—

That they addressed upon this subject, inquiries to various parties, among which were the Pilot Commissioners, who in reply expressed an opinion adverse to the extension, and in support of their views forwarded a statement signed by all the pilots then in the harbor. This document is herewith submitted, and an attentive consideration of their views is earnestly requested.

During the adjournment from Vallejo to Benicia, the Committee proceeded to San Francisco and there held a public examination, at which were present the Select Committee appointed by the House of Assembly.

Lieut. Alden, U. S. Coast Survey, Capt. Ottinger, U. S. Revenue Department, and many other gentlemen of high attainments as Engineers and Navigators, gave testimony, under oath, as to the probable effects of a further Extension of the City Front, and the attention of the Senate is requested to the consideration of their evidence, *also* herewith submitted.

It is the opinion of the undersigned, based upon the evidence referred to, that an extension of the eastern City Front, without injury to the harbor, could not be made in any permanent manner, without an immense outlay of capital, and even then, its effects would be to add to the rapidity of the current, and to lessen the security of the anchorage in the stream. There, fleets of outward and inward bound vessels are constantly at anchor. The current now is, with Spring tides, three and a half miles per hour, and a Breakwater would add considerably to its force; with the prevailing gales

from the south east, vessels would have much more difficulty in riding out a storm.

It is to be feared that the insecurity of the worm-eaten wharves, will at some future period, cause great loss: we should, therefore, make no encroachment upon the roadstead.

For several years past, persevering and untiring efforts have been made to build upon that portion of the harbor of San Francisco, set apart, by law, for the benefit of shipping. And so bitter have been the feuds and animosities between its citizens, that collisions have frequently occurred. One portion of the citizens have exhausted every method of resistance to these encroachments. But the injunctions and writs of courts, both State and Municipal, have been insufficient to prevent the injury complained of. The hulk that was placed so as obstruct a slip, by some strange piece of ingenuity or *[illegible]*, sunk at the moment designated for its removal. And upon the Sabbath, and at midnight, "*Stoves Guillotines*," *i. e.* pile drivers, have pursued their destructive labor.

The committee, unable to judge what view the Legislature may take of the subject now before it; are of opinion that a very stringent penal law ought to be enacted to prevent the operations above alluded to.

It is in evidence, that piles cannot be driven, with proper security, to form, say a further extension of four or six hundred feet from the present water line. The depth of water is from 40 to 50 feet, and the mud has but little resisting power to sustain a proper structure: but if made with piles, the ravages of the worm, *[illegible]* to the Bay of San Francisco, working from low water downward to the mud, would soon destroy many of them. Their ravages are so destructive, that piles, even afloat, have been destroyed in less than six months. This destruction may occur where it cannot be seen or replaced, and the wharf that now successfully resists the sea with half rotten timbers, if carried to a position of greater depth, would sway to and fro, with every gale, like a rickety table.

It is in evidence, that vessels ride out a storm with the greatest safety in the stream, and that there is ample wharfage accommodation for their lading and discharge. That space may therefore be left open with advantage, as there is not any need now to spare to prevent collision in the handling of vessels outward and inward bound: therefore, let us preserve a good harbor and a good roadstead. In the event, however, of more facilities for wharfage being required, an extension of the streets which have not yet been wharved, would afford sufficient facilities for every probable increase of commerce at that part for many years to come. Upon this point, George Simpson, an able and experienced navigator, well acquainted with the harbor of San Francisco for many years, thinks it, and recommends it, as much the better plan, than the proposed extension into lots and blocks.

If the city front is extended between Rincon and Clarks' Points, it seems conceded, that the construction of a breakwater will be necessary; and that such a work, if undertaken for the purpose of adequately protecting the shipping, the breakwater itself being built upon, would involve an expense of many millions of dollars.

A practical engineer, Mr. Hill, long engaged in such constructions, estimates the expense of every cubic yard of such a work at $20; but

reducing this price to any estimate we may think proper, the depth of water and of mud before reaching bottom is so great, that the cost of the undertaking is somewhat startling even for California enterprise.

The State ought not to engage in it as an undertaking for its own account, and to the argument that individuals are willing to pay a bonus to the State for its interest in the matter, we can see no manner in which any one can make the speculation profitable, unless they are allowed to block up the water front of present property holders. Whatever bonus might be offered to the State for its sanction *to such a transaction*, no Government, actuated by a spirit of justice, could seriously entertain the proposition.

The value of the property on the present water line would be diminished, and the loss to the State by difference of taxes in a few years, would be greater than the bonus and taxes on the improvements on the extension.

It was stated in evidence, that if the extension be made, several streets will require to be graded; and the Engineers who made this statement, among whom is the Surveyor General, did not think that there is at present in California, sufficient facilities to execute this branch of work in a year. They are also of opinion, that the portion of the city which would be affected by the proposed extension, would be rendered useless for commercial purposes during the time of making the change. The loss that would result to thousands in consequence of this, would be immense.

The conflagrations which have so often devastated San Francisco, and against which its citizens are now endeavoring to guard, would be likely to ruin again that Emporium. From the depth of water and mud, were the authority to make an extension granted, the costliness of a stone work would prevent its erection for many years to come, and the buildings that would be erected upon the piles, could not be heavy fire-proof warehouses. With wooden structures more in the current of wind than those on the present front, the danger of destructive fires would be greatly increased. The roadstead would be diminished, and the shipping would be more exposed to the action of fires, than in any of the past calamities which swept over it. A recollection of the terrible fires of May and June, should induce us to reflect upon what means would prevent the recurrence of such disasters, and with that view, an extension is one of the dangers that ought to be prohibited—prohibited for the sake of San Francisco; prohibited for the interest of the State. For a destructive fire might destroy every necessary article of consumption, and bring loss and suffering upon every inhabitant of the State, as well as upon the citizens of San Francisco. The State can have no advantage sufficiently great in making an extension to counterbalance this danger.

If, however, the extension, with its edifices and merchandize, escape destructive fires, gales and seas may wash it away, and leave the harbor irretrievably ruined. In storms, now, some of the present wharves sway to and fro with such violence, that carts cannot go upon them. A further extension into the Bay, would increase the *leverage* of the *pressure against them*, and not only carry away the addition, but also the wharves to which attached. Imagine, then, the loss to shipping from a fleet of vessels adrift, grinding the piles and each other with their anchors, pro-

pelled by a heavy gale and a rapid current. The positions assumed in the remonstrance of the opponents of extension, deserve serious consideration. Other members of the committee will allude to the legal points involved in the proposition we have considered, and upon other points connected with the Beach and Water Lot Property, the Committee on Commerce and Navigation will report at an early day.

From the testimony elicited, it appears practicable to extend the portion of the city on the North Beach a considerable distance into the Bay, without injury to that portion of the harbor, and it is believed also, without injury to the interests of property owners. There, the water for some six hundred feet beyond the present city front, does not exceed on an average, fourteen feet. At that depth, wharves of sufficient strength could be erected, and the facilities thus afforded would cause a rapid improvement in the value of property, and meet the approval of the owners of the lots in that vicinity.

With proper wharf facilities, North Beach would soon be resorted to by many of the smaller crafts which now occupy other wharves suitable for vessels of a greater tonnage.

The length of the front above referred to, is over one mile. The manner in which it ought to be plotted out and the extension made, is a subject upon which the views of competent Engineers, as suggested by the Surveyor General, ought to be solicited for your guidance. But even at that point, the extension may be delayed for several years with advantage to the interests of the State.

That property will rapidly advance in value, and can be made available to extinguish a large portion of our indebtedness—it should, therefore, be reserved for that object—and as its value will depend upon the character of the title that the State can give to it, it is, therefore, of the greatest importance that the legal objections, if any really exist, adverse to the interests of the State, be settled before the property be offered for sale.

In other commercial cities, the docks are kept free from deposits of mud by the dredging system, and San Francisco may employ with advantage the "old mud scows" which have made many a dock on the North and East rivers of New York, suitable berths for her splendid liners.

The number of vessels which entered the Port of San Francisco, during the past year, was 1104—allowing for *every probable increase* to this number, sufficient room for their accommodation can be had without making an extension.

The undersigned in reporting back their views upon the subject, respectfully request to be discharged from its further consideration.

PHILIP A. ROACH,
Chairman.

Benicia, March 17th, 1853.

[Document No. 42.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

JOINT COMMITTEE.

[GEORGE KERR, STATE PRINTER.

REPORT OF JOINT COMMITTEE.

MR. PRESIDENT:

The Committees on Public Lands and Claims, acting jointly under instructions, to whom were referred the communication from the Governor, together with the special report of the Surveyor General, notifying the Executive of the completion of the State Map, and that it would be ready for the engraver in a few days, having had the whole matter under consideration,

REPORT,

That from information, they believe it expedient to authorize the Surveyor General, who has compiled the State Map, to have the same engraved upon copper plate, and such number of copies struck off for the use of the State as may be prescribed by law from time to time.

Your Committees are further of the opinion that the engraving, painting, and the other requisites necessary to the publication of said Map, will be facilitated by permitting the Surveyor General to take a copy of the original to the city of New York; and they are satisfied that such a course will not make a delay of twenty days in the distribution of the copies to those for whom the law prescribes, and that the execution of the work will be better; not that California is incapable of furnishing artisans eminently qualified for the performance of the task, but that she is not, as yet, so fully supplied with the necessary material upon which her artists could labor with advantage to the public and profit to themselves, as are the older States of our Union.

The Committee recommend that the Map compiled by Mr. Eddy be declared the "official Map of the State," and therefore report the accompanying bill, and recommend its passage.

All of which is respectfully submitted,

CHAS. F. LOTT,
Chairman Committee on Claims.
W. H. LYONS,
Of the Committee on Public Lands.

[Document No. 43.]

IN THE SENATE.] [SESSION OF 1853.

MEMORIAL

OF

JAMES BURNEY.

[GEORGE KERR, STATE PRINTER.

MEMORIAL

OF

JAMES BURNEY.

To the Honorable the Members of the Legislature of the State of California:

Your memorialist, James Burney, a citizen of said State, respectfully represents to your honorable body that, by an Act of the Legislature passed March 17, 1851, he was appointed "Paymaster to the troops now in the field, and those that may be called into the service under the provisions of this act, to pay and liquidate all claims against this State created as provided herein," and qualified as such paymaster pursuant to law. That he collected and liquidated claims arising under said act to the amount of $220,000, on account of the Mariposa expedition; that in addition thereto, by order of the Governor, Treasurer, and Comptroller of State, he, as such Paymaster, proceeded to El Dorado, Monterey, and Los Angeles Counties, and in said counties collected evidences of indebtedness on the part of the State, incurred on account of Indian hostilities in said counties and the vicinity thereof, by authority of the State, amounting to about the sum of four hundred thousand dollars, and brought them to the Seat of Government in the months of November and December, 1851, to have the same examined and approved according to law. That the same were not examined by the proper officers; that in the month of ——, 1852, said Act of 17th March, 1851, was repealed; that long prior to the repeal of said act, your memorialist requested said officers to examine said evidences of indebtedness of the State aforesaid, collected by him under the order of the said Officers of State, and in discharge of his duty as such Paymaster, but they failed to do so.

Your memorialist further represents that when said law was repealed, it left said evidences of indebtedness so collected by him in his hands, belonging to citizens scattered over a territory of country six or seven hundred miles long, and almost half that width; that he was then compelled to return the same to the owners thereof at great trouble and expense; that he spent about seven months' time in constant labor in col-

lecting and returning the same, and in doing so spent of his own individual funds, the sum of three thousand dollars in cash; that he performed these services at the order of those whom he believed had the right to command him to do so, in virtue of his said office of Paymaster, and in good faith; that for his services as such Paymaster, he was to receive as a full compensation three per cent on all monies by him paid out as such; that he believes he is justly entitled to that compensation on said sum of $400,000, of claims so collected, as also to be reimbursed for all cash expended by him in collecting and returning said evidences of indebtedness.

Your memorialist therefore prays the passage of the accompanying bill, and as in duty bound, &c.

JAMES BURNEY.

March 3, 1853.

[Document No. 44.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

ON THE

COMMITTEE ON STATE HOSPITALS.

TO WHOM WAS REFERRED AN ACT TO ESTABLISH AN

ASYLUM FOR THE INSANE

OF THE

STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

REPORT.

MR. PRESIDENT:

The Committee on State Hospitals, to whom was referred a Bill for an Act in relation to Hospitals for the sick, and to establish an Asylum for the Insane, beg leave to submit the following Report:

The subject is one of great interest to the people of this State, and your Committee have given it the attention its importance would seem to require.

The evils of our present hospital system have been so apparent and objectionable that a strong public sentiment has been created against them, demanding an entire reformation or their entire abolishment. Your Committee would state, that the most conclusive evidence against the whole system which they have discovered is to be found in the enormous expenditure by which it is sustained.

It is estimated by the Comptroller of State that the appropriations under existing laws for the support of the Hospitals the ensuing fiscal year will amount to the sum of $238,500.

When it is remembered that our State is burdened with a debt of two and one fourth millions, and annually increasing that debt by an expenditure exceeding the revenue over six hundred thousand dollars, sound policy and plighted faith admonishes the Legislature that a State to be generous must first be just.

The Bill under consideration abolishes the State Hospital and provides only for the establishment of an Asylum for the Insane. Your Committee will therefore confine their report to that branch of the subject.

The first specific appropriation set apart by the Legislature for the benefit of the insane passed on the 15th day of April, 1851, in "an Act to create a State Hospital in the city of Sacramento."

By this Act, fifteen thousand dollars is appropriated and set apart to provide for the insane, and the Trustees of said Hospital are required to receive into the establishment all lunatics sent from any part of the State,

Under this authority the Trustees procured a building adjacent to the State Hospital, and made the best arrangements they could for the reception of the insane.

The building was too small, insecure, and by no means suited to their horrible condition. The rooms or cells were very small and badly constructed; several patients confined together in one apartment; the barred petitions exposing them to observation.

Thus were crowded together these unfortunate beings—a reproach to our State, and a revolting spectacle to humanity.

The charge of keeping these poor creatures in any degree comfortable could not be expected under the circumstances, and would require a high sense of duty for its performance when furnished with ample means for their support and relief.

By the Act of the 3d of May, 1852, the Trustees of the Stockton State Hospital are authorized to erect a building for the insane, at a cost not exceeding ten thousand dollars, and appropriates seven thousand five hundred dollars for the support of the insane, and one thousand dollars for the transportation of the insane from Sacramento to Stockton.

In conformity with the provisions of the Act above referred to, the insane were immediately removed to Stockton, and placed in charge of the officers of the State Hospital of that city. The solemn trust thus committed to those officers evinced the confidence reposed in them by the Legislature, that they would carry out in the spirit of economy and fidelity the benevolent intentions of the State.

Your Committee have learned, with much regret, that a misunderstanding occurred between the Comptroller of State and the Trustees of the Stockton Hospital, resulting in the entire suspension of the work, and consequently the condition of the insane has not been improved by their removal to Stockton.

Thus far the efforts of the State to provide an Asylum for the Insane have been abortive, and your Committee would earnestly call the attention of the Legislature to the absolute necessity there exists for further provisions for this hap'ess portion of our population.

Your Committee, in recommending Stockton as the most suitable location for the Asylum, have been influenced by the following considerations.

The Legislature at its last session authorized and empowered the Trustees of the Stockton State Hospital to erect a building for the accommodation of the insane of the State, said building to be built on a lot convenient to the Stockton State Hospital, and ten thousand dollars was appropriated for that purpose.

Again, your Committee are informed, that in addition to the twenty acres of land which has been granted to the State for Hospital purposes, by Messrs. Weber and Hammond, they have made a further donation of forty acres, adjoining the lands already given.

The City of Stockton has added to this valuable tract forty acres, making in all, one hundred acres of land in and near the City of Stockton, granted to the State for this benificent purpose.

Again, the City of Stockton is sufficiently convenient of access from all parts of the State—it has a mild, equable, and salubrious climate—and the buildings there, can be completed and put in good order at very little

additional expense in the course of six weeks, thereby furnishing a home for the insane in the shortest possible period.

We, therefore, recommend the passage of the substitute to the original bill, with such modifications, if any are deemed necessary, as the Senate may think advisable.

B. F. KEENE,
Chairman State Hospital Committee.
JOHN Y. LIND,
STEPHEN C. FOSTER,
JAMES M. HUDSPETH.

[Document No. 45.]

IN THE SENATE.] [SESSION OF 1853.

PETITION

OF

CHARLES E. PICKETT.

[GEORGE KERR, STATE PRINTER.

PETITION OF CHARLES E. PICKETT.

To the Honorable the Senate and Assembly
of the State of California:

Your memorialist respectfully asks leave to represent to your honorable body, that he made application to the last Legislature, near the close of the session, to refund him certain monies expended during the year 1850, in purchasing and supporting a hospital at Sacramento—that vouchers for the same, most ample and satisfactory, including an official one from the city of Sacramento, accompanied such application—the matter referred to two different committees of the Senate, and by both favorably considered,—the equity of the debt endorsed, and so reported to the Senate, which body, by a vote of 17 to one, on a call for the ayes and nays each time, passed a relief bill to a first and second reading, but was laid over under the rule, and the Legislature adjourned before it could come up in regular order again. Your memorialist would therefore request the present Legislature to fully examine the merits of this claim, and take action on it at an early a day as practicable, feeling confident that such examination will clearly exhibit its justness and induce its payment. Your memorialist would further add, that relying upon the good faith, generosity, and justice of the State, and assurances given him by her representatives last session, that this amount would be re-paid him, he has contracted liabilities on the strength of the same, and made promise of payment out of this fund. Moreover, the late report of the Comptroller, which, though urging the strictest economy in reference to fiscal affairs, yet indirectly acknowledges the obligation of the State to pay this debt, where this officer, in advocating a change from the present onerous and expensive hospital system, admits the duty and necessity the State was under to sustain such institutions during the period anterior to this time. The year 1850 called for the greatest amount of assistance to the sick and indigent arriving in California. The first Legislature, though solicited, failed to make any hospital provision, consequently the burthen for the same, although so heavy, fell, during that period, as well as the year previous, almost wholly upon two points, San Francisco and Sacramento. Your memorialist, then a citizen of the latter, came forward to aid her in this business, by advancing his credit and money to establish and keep up a hospital where the indigent sick were received and treated—relying for payment upon the contract made with the proprietors of this institution by the corporate authorities thereof. The finances of the city becom-

ing embarrassed, credit impaired, and mainly so caused in consequence of this heavy responsibility assumed in taking care of the numerous sick sent from nearly all parts of the State, to tax her charity, City scrip, in which the parties contracted with were paid, became so depreciated as to cause bankruptcy in the firm owning the hospital, for whom your memorialist was security and creditor, and who thus became loser of and paid the money now asked the State for.

The compulsory sacrifice of property to liquidate such liability, added to the accumulating interest on the whole for about two years and a half, would now swell the sum actually and equitably due to double this amount, but which excess your memorialist is willing to waive, provided he is paid his original and fully attested outlay in the same currency he expended, instead of the depreciated paper of the State.

And for which he will ever pray.

CHAS. E. PICKETT.

[Document No. 46.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

SELECT COMMITTEE.

[GEORGE KERR, STATE PRINTER.

REPORT OF SELECT COMMITTEE.

SENATE CHAMBER,
Benicia, March, 1853.

Mr. President:

The Select Committee, to whom was referred the petitions of citizens of Carson Valley, praying the Legislature of this State to extend our jurisdiction over that country and the neighboring valleys, would respectfully submit the following memorial, and recommend its adoption:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The people of the State of California respectfully represent, that on the eastern slope of the Sierra Nevada range, there are a number of fertile valleys, formed by streams of water which have their sources in the mountains, but terminating in the sands of the Great Desert. The most important of these are, the valley of Carson's river, where the chief settlement has been made, and the valleys of Truckie or Salmon Trout river to the north, and Walker's river to the south. The eastern boundary of the State of California is an imaginary line,—in the vicinity of these streams the 120 degrees of longitude west from Greenwich,—which seems to have been adopted without an accurate knowledge of the country through which it was intended to be drawn. This line, in many places, it is believed, will divide the valleys on the eastern slope of the sierras, and from the mountainous character of the country through which it must pass, it will be found difficult, if not impossible, ever to establish it definitely. This has already caused many and very serious difficulties in the administration of the laws of this State, and in regard to the peace and security of the people. In consequence of the disputes about this boundary, persons committing offences against our laws find a secure retreat there, whence they can return at pleasure, again to renew their depredations on society. The Indians, also, after massacring our citi-

zens, have only to retire to these valleys for a time, until the storm raised against them shall have lulled, again to return and again to massacre.

A portion of this country unquestionably belongs to Utah Territory; but it is all so remote from the Great Salt Lake country, being separated from it by vast deserts, that no attempt has heretofore been made to extend the Territorial Laws over it. It may be doubted, indeed, whether the citizens residing there would quietly submit to those laws, as they consider the government at present existing there as an absolute despotism, and totally at variance with the free institutions of America. From these causes, the people who have settled in those valleys are abandoned to the tender mercies of the marauders of this State, who infest their neighborhood, and set all law at defiance; and to the roving Indians of the mountains, who are accustomed to retire to those retreats to secure themselves from the vengeance that might follow their depredations.

The country is contiguous to and dependent on California for supplies. There is but a very short period of any year when it is inaccessible from this side of the mountains, and at all such times and for a much longer period, it is inaccessible from the Great Salt Lake country, owing to the extensive deserts being, at such seasons of the year, covered with snow.

By extending the eastern boundary of our State to the Desert, it would do away with all the uncertainty and inconvenience which now exists. It would find a *natural* boundary. It would give security to the people against the lawless. It would protect the people settled in those valleys from a despotism which assumes the form of a theocracy, to which they have a deep-seated repugnance.

Your memorialists would therefore ask that the jurisdiction of this State be extended eastwardly to a line to be drawn from the point where the forty second degree of north latitude is intersected by the one hundred and twentieth degree of longitude west from Greenwich, directly to the point where the river Colorado is intersected by the thirty-fifth degree of north latitude.

B. F. KEENE,
J. M. ESTILL.

[Document No. 47.]

IN THE SENATE.] [SESSION OF 1853.

REPORT OF COMMITTEE

ON

PUBLIC VICE AND IMMORALITY

[GEORGE KERR, STATE PRINTER.

REPORT.

Mr. President:

Your Committee on Public Vice and Immorality, to whom have been referred sundry petitions relative to the observance of the Sabbath Day, having maturely considered the same, beg leave to make the following report:

The institution of the Sabbath, which has, from a very remote antiquity, blended itself with the history of man's civilization, has ever borne the duplicate character of a religious and civil observance. Your committee deem this day, so far as consecrated and considered in a religious or theological point of view, as belonging to the jurisdiction of ecclesiastical tribunals. But it is more particularly to the value of the Christian Sabbath, in its secular influence, that our attention, as Legislators, is directed. And while your committee disclaim all idea of the propriety of legislating upon any subject which is exclusively of a religious character, they, nevertheless, are constrained to acknowledge that the first day of the week, commonly called Sunday, has so long been recognized in our civil institutions as worthy of observance, we deem it now established as one of our organic social laws.

A repetition, at this late day, of the many arguments heretofore used—and which are now embraced in the petitions submitted to your committee—in favor of setting apart every seventh day as a day of rest, would be superfluous in this report. Suffice it to say, that since the dawn of modern civilization, in whose right this observance has, from generation to generation, become more and more conducive to the growth and preservation of wholesome institutions, we believe there has been no distinctive feature in the social compact which has proved more conservative of all the better feelings of the domestic relations and of society at large.

During the severest tests, of individual and social character, which accompanied the struggle for independence of our colonial ancestors, this

venerable institution was never forgotten; and ever in the armies of our Revolution, under the guidance and example of the Father of our country, Sunday was held, as far as practicable, a day of rest and of religious observance; and, so far as the legislative action of our sister States has reached the subject, it is evident that the succeeding generations of the American people have fixed their seal of sanction upon this element of the moral principles which they inherited from the fathers of our civil polity.

There is nothing in the moral and social history of the Republic which is more indelibly stamped upon the memory of an American citizen, than that part of his early education which taught him that the stirring industry of the working days was all hushed in the peace of the Sabbath, which, signalled by the sound of the church bell, came to relieve the toil of the poor, and quiet the excitement and cares of worldly interest; and the views contained in the petitions now before your committee, which are doubtless the views of thousands of the citizens in all parts of the State of California, show that the spirit of their Anglo-Saxon ancestors, and the influence of their polity, have not been left behind them by the people of California in their great advent upon the shores of the Pacific.

Among the venerable institutions of our country we cherish this, which was explained to us all in early life, in the domestic circles of our former homes, as one of the strong foundations of our future prosperity as a people, and believe that the enactment of wholesome laws for its protection, will not only meet the demands of our petitioners, but also secure the approbation of the people of the State at large, while, at the same time, it comports with the conscientious discharge of duty on the part of your committee.

Your committee have thought proper herewith to submit a bill, and do recommend its early passage.

J. GRUWELL,
Chairman of Committee.

[Document No. 48.]

THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

SECRETARY OF STATE.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

SECRETARY OF STATE.

OFFICE OF SECRETARY OF STATE,
Benicia, March 24, 1853.

Hon. S. Purdy, *President of the Senate.*

Sir:—In accordance with a resolution adopted by the Senate on the 21st inst., I have the honor to transmit the accompanying abstract:

In most of the Counties, the Chinese population have been either partially or wholly estimated, and afterwards in part or in whole included under the head of "Foreign Residents."

The letter herewith appended, from Mr. Dungan, is in answer to inquiries addressed to him for information concerning El Dorado County, and the numbers placed opposite that County on the abstract, are taken from the partial returns made by him and now on file in this office.—According to his estimate, four thousand one hundred and ninety six should be added to that number, (eighteen hundred and four,) to make up the whole Chinese population of the County.

The Census Agent for Placer County, alluding to the Chinese population, says: "their number as set down, is from actual count and memoranda." In the body of his list, as returned, is found twenty Chinese, and it is uncertain whether these should not be added to the three thousand and nineteen as given by him.

In Yuba County, the Chinese have been partly included in the lists and partly estimated. The whole number is given in the abstract.

That portion of the population which appears to have come from Australia, New Zealand, Van Dieman's Land, and Manilla, are believed to belong to the Anglo-Saxon and Celtic Races; but, as your resolution seemed to include all without regard to color, it was thought better to give them, though separated from the others in the abstract.

(Signed) J. W. DENVER,
Secretary of State.

[Document No. 49-50.]

IN THE SENATE.] [SESSION OF 1853.

GOVERMOR'S SPECIAL MESSAGE

IN RELATION TO THE

EXTENSION OF THE WATER FRONT

OF THE

CITY OF SAN FRANCISCO, ETC.

[GEORGE KERR, STATE PRINTER.

GOVERNOR'S

SPECIAL MESSAGE.

EXECUTIVE DEPARTMENT,
BENICIA, March 24, 1853.

To the Senate and Assembly of California:

In my Annual Message, at the commencement of the present session, the financial condition of the State was carefully presented, and your efforts invoked to relieve its embarrassments. As in duty bound, I recommended certain measures deemed essential to the preservation of the faith and credit of the State, and the diminution of that burden of taxation which now weighs so heavily on the energy and industry of the people. These embarrassments are daily increasing, and I am the more firmly convinced of the necessity and importance of the measures then earnestly urged upon your consideration.

Under existing circumstances, however, I feel it my duty again to invite your attention to the condition of the finances of the State, and to make further suggestions which are regarded as important.

It is believed that the State is possessed of Beach and Water property sufficient, at least, if judiciously disposed of, to liquidate her entire Civil indebtedness—a result much desired and loudly demanded by our common constituents.

As it will be necessary in this communication to make frequent reference to the actual condition of the finances of the State at the present time, an official statement of the same has been obtained from the Comptroller of State, which is herewith submitted.

It will be seen, therefore, that the debt of the State has accrued since the organization of our State Government, at an average rate exceeding six hundred and seventy-one thousand dollars per annum, and must continue to increase at about the same rate, until provision is made for the reduction of our expenditures, and the payment of all our liabilities in cash, instead of depreciated State paper.

Such being the actual condition of things, we are called upon by every consideration of honor, patriotism, and fidelity to our constituents, to use the means legitimately at our disposal, for the purpose of saving the sinking credit of the State, and rendering justice to the people whom we represent.

The Attorney General of the State, in a communication dated February 18, 1853, addressed to the Assembly, makes the following statement:

"I think I may safely estimate the value of Beach and Water property, in the city of San Francisco, which has not been disposed of according to the provisions of the Statutes, and which rightfully belongs to the State, at the sum of five millions of dollars:—a great part of which property is now held and claimed by persons who have no legal or equitable right to it."

Here we have the deliberate and unequivocal opinion of the legal adviser of the State, in which, so far as the United States is concerned, he is fully sustained by numerous decisions of the highest judicial tribunal of the country.

The Supreme Court of the United States, at the January term, 1845, in the case of Pollard's Lessees *vs.* Hogan, decided that "the right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions; and they, and they only, have the constitutional power to exercise it.

"To give to the United States the right to transfer to a citizen the title to the shores and the soils under the navigable waters, would be placing in their hands a weapon which might be wielded greatly to the injury of State sovereignty, and deprive the States of the power to exercise a numerous and important class of police powers. But, in the hands of the States, this power can never be used so as to affect the exercise of any material right of eminent domain or jurisdiction with which the United States has been invested by the Constitution."

The Court declare, "that by the preceding course of reasoning, we have arrived at these general conclusions: First, The shores of navigable waters and the soils under them, were not granted by the Constitution of the United States, but were reserved to the States respectively. Secondly, The new States have the same rights, sovereignty, and jurisdiction over the subject, as the original States. Thirdly. The right of the United States to the public lands, and the power of Congress to make all needful rules and regulations for the sale and disposition thereof, conferred no power over the shores of navigable waters, and the soils under them." See 3 Howard, 212.

At the January term, 1850, the Supreme Court of the United States reaffirmed the above case, and the opinion of the Court was delivered by Chief Justice Taney as follows:

"This is an action of ejectment, brought by the plaintiff in error to recover a lot of ground in the town of Mobile, in the State of Alabama. He claimed title under an inchoate Spanish grant, dated December 12, 1809; and an act of Congress confirming this title, passed July 2, 1836; and a patent from the United States, dated March 15, 1837, which issued in pursuance of the act of Congress. The validity of this title was disputed by the defendant, upon the ground that the premises were a part

of the shore of a navigable tide-water river, lying below high water mark, when the State of Alabama was admitted into the Union, in 1819; and that, therefore, at the time of the passage of the act of Congress, the sovereignty and dominion over the place in question were in the State, and now in the United States; and the Court instructed the jury, that if the land described in the plaintiff's declaration was below ordinary high water mark, at the time Alabama was admitted into the Union, the confirming act of Congress, and the patent, conveyed no title to the patentee. The same question upon the same act of Congress and patent, was brought before this Court in the case of Pollard *vs.* Hogan, at the January term, 1845, reported in 3d Howard, 212. That case was fully and deliberately considered, as will appear by the Report; and the Court then decided that the act of Congress and patent conveyed no title." See 9 Howard, pp. 477, 478.

These decisions, as well as many others which might be cited, to say nothing of the universally admitted general principle of law, clearly establish the right of the State of California to dispose of the "Shores of all navigable waters and the soils under them," within her limits; and that the State alone has the dominion and control of this property.

It is also well settled by numerous decisions, that no separate or exclusive right, adverse to the State or public right, is acquired by a city or town to the tide-waters or soils under them, by virtue of an act of the Legislature extending the limits of such city or town over such waters.

"The Supervisor of the town of Flushing, in the State of New York, brought an action of debt for a penalty prescribed by a regulation of the town, by which it was ordered that no person should rake clams within the boundary of said town, and the decision of the Court was, that the town had no right to pass the law in question. The town of Flushing," the Court said, "must show *a right of property* to the lands in the bay, in order to entitle them to make rules and regulate the use of these lands. The Act extending the bounds of the town over the bay and into the Sound or East River, so as to include the Islands southward to the main channel, was merely for the purpose of jurisdiction, and is no evidence of a grant of property in the soil covered by the water. All the ground under the navigable waters of the Hudson River is within the boundaries of some town, for the purposes of civil and criminal jurisdiction; but it does not follow that the lands under the water belong to the towns situated on the River." See Angell on Tide Waters, pp. 46, 47.

It is not deemed necessary, in this communication, to notice the adverse claims, originating under certain acts passed by the Legislature of this State of 1851, which it is presumed will be set up to this property by individuals. That such claims exist, is well understood, however; and the sooner the questions involved are adjudicated upon and definitely settled, the better for all concerned. This property, though immensely valuable, so long as the question of title is unsettled, will remain, as at present, unproductive to the State. Its speedy improvement is certainly a matter of great importance to the city of San Francisco, as well as to the State; because it will add millions to the amount of taxable property, and of course greatly increase the revenues of both. In addition to the amount of property which will be then subjected annually to taxation, I have no doubt that, by a judicious disposi-

tion of it, the State will directly realize a sum more than sufficient, under the provisions of the Supplementary Funding Act of 1852, to liquidate the Civil Debt of the State.

The opinion is expressed, and I doubt not by many honestly entertained, that the proposed extension of the Water Front of the city of San Francisco, must render the harbor less safe than at present. To demonstrate the error of this opinion, it is only necessary, it is believed, to direct your attention to the existing state of things at that point.

It is a well known fact that, at this time, full one half of the more valuable vessels in the harbor of San Francisco are anchored out in the Bay, more than half a mile from the end of Long Wharf. These vessels, it is understood, have suffered no injury, though constantly exposed to all the dangers which can possibly exist, even if the Water Front was extended double the distance contemplated. The owners of these vessels, to say nothing of the duties enjoined on the Harbor Master, it is fair to presume, are prudent as well as experienced men, who would not permit their ships, laden with immensely valuable cargoes, to be moored in a dangerous position.

To assume that the Water Front of the city of San Francisco will not be extended, is to presume that the immense commerce now rapidly concentrating at that point, can be transacted within its present comparatively contracted limits, or that its operations will recede from, instead of encroach upon, the water. The construction of the contemplated railroad from the Pacific to the Atlantic Ocean, will undoubtedly concentrate at San Francisco an amount of commercial business, which will require for its safe, convenient and cheap transaction, more than five times the area at present occupied. The correctness of this opinion, it is assumed, will not be questioned by those who have given the subject proper consideration.

The finances of the State, as exhibited in the Special Report of the Comptroller, are now in such a condition as to render efficient action by the present Legislature absolutely necessary.

The duty is now devolved upon the agents of the State to devise means to maintain her credit, prevent a further accumulation of State indebtedness, and to effect as great a reduction of expenditures as possible, consistent with the public good.

In my annual message, I pointed out the reforms deemed practical and prudent, and it is not deemed necessary here to reiterate them.

To relieve existing embarrassments and maintain the credit of the State, the present Legislature must either dispose of the Beach and Water property over which the State has exclusive control, or provide the means required by increased taxation.

The Beach and Water property at San Francisco, if advantageously disposed of, it is confidently believed, will yield an amount amply sufficient to place the credit of the State upon a permanent basis. The other mode of providing the required means, as above remarked, is increased taxation upon our constituents—at a time, too, when a large portion of them cannot meet additional demands without serious inconvenience. The fires and floods of the past year have swept from thousands of our most valuable and enterprising citizens nearly all their available means, leaving them little else, than naked lots, and farms without herds. To burden the people with the increased taxation necessary to relieve the wants of the Treasury, in my

judgment, would not only be exceedingly oppressive, but greatly retard the prosperity of the State. It is a well known fact that onerous taxation for years greatly retarded the settlement and growth of several of the other new States of the Confederacy, and will have the same blighting influence upon the interests of California, unless avoided.

No good reason has been or can be assigned, why the Legislature, in preference to increasing taxation upon the people, should not dispose of the Beach and Water property, and at once provide the means necessary to sustain the State's credit, and render unnecessary a further increase of indebtedness. It is true that objections have been urged to the measure; but inquiry and investigation have satisfied me that, although it may interfere with individual speculations, no injury to great public interests can possibly result from it.

The Debt of the State must continue to increase, and its evidences of indebtedness depreciate annually, until means are provided to meet, as they accrue, and in cash, the necessary expenses of government. At this time, every article purchased for State use, as well as every service rendered, costs the State, owing to the fact that her evidences of indebtedness are greatly depreciated, nearly forty per cent. more than if paid on demand and in cash. It is clear, then, that by providing the means necessary to meet, in cash, accruing demands, you at once reduce State expenditures more than one-third. This desirable object, as well as the liquidation of at least the Civil Debt of the State, as before remarked, it is confidently believed, can be attained by disposing, under the provisions of a carefully guarded Legislative enactment, of the Beach and Water property held by the State.

Adopt the measures now proposed, and mature as speedily as possible the the several reforms recommended in my annual message, and I fully believe that the credit of the State will be so well established, that nothing short of the most gross mismanagement of her financial affairs, can hereafter affect any material change.

Having thus candidly expressed my own views, I commend the whole subject to your careful consideration, with the assurance of my entire willingness to co-operate with you in the important work of relieving, by judicious legislation, the present embarrassed condition of our State finances, reducing public expenditures, and arresting a rapid accumulation of State indebtedness.

JOHN BIGLER.

COMPTROLLER'S COMMUNICATION

ACCOMPANYING THE

GOVERNOR'S SPECIAL MESSAGE.

Hon. JOHN BIGLER, *Governor of California.*

Sir:—I have the honor to transmit you the information called for in your note of 22d inst., which is respectfully submitted, and consists as follows: First, of a

STATEMENT OF THE CIVIL AND WAR DEBT OF THE STATE
To March 22d, 1853, inclusive.

Three per cent. Bonds outstanding, - -	$39,125 00	
Interest due on same, - - -	42,255 00	$81,380 00
Seven per cent. Bonds, Act of 1851, - -	368,000 00	
Interest to date unpaid, - - -	6,440 00	374,440 00
Seven per cent. Bonds, Act of 1852, - -	995,000 00	
Interest to date unpaid, - - -	17,412 50	1,012,412 50
Comptroller's Civil Warrants outstanding Dec. 15, 1852, - - - -	69,763 79	
Do. issued to March 22, 1853, - -	388,890 26	
Amounts carried forward,	$458,654 05	$1,468,232 50

Amount brought forward,		$458,654 05	$1,468,232 50
Do. redeemed from December 15 to March 22, 1852,—			
By Cash, - - -	$32,877 85		
Lands Sold, - -	95,680 00		
Funding, - - -	204,500 00	333,057 85	
Comptroller's Warrants outstanding March 23, 1853, - - - - -		$125,596 20	$125,596 20
March 22, Civil Debt, - - - - -			$1,593,828 70

WAR DEBT.

Twelve per cent. War Bonds, of 1851, - -	$200,000 00		
Interest due on same and unpaid,	45,500 00	245,500 00	
Seven per cent. War Bonds of 1852, - - -	511,850 00		
Interest due on same and unpaid,	19,600 00	531,450 00	
War Warrants outstanding and unfunded. -		31,298 82	808,248 82
Add Debt to the School Fund for 142,880 acres of land, at $2 per acre, - - -			285,760 00
Total, - - - -			$2,687,837 52

RELATIVE TO THE ESTIMATE OF UNPRESENTED WAR CLAIMS.

I have no other data on which to base an *estimate*, than that afforded from my last year's estimate, submitted to yourself and by you to Excellency to the Legislature. The Comptroller then judged the total amount of "unpresented" War Claims in the State to amount to $1,000,000. Subsequent to making the *estimate* then submitted, the Legislature made reductions of at least 25 per cent. (if not 33⅓) from amounts of original claims placed before that body; and the Board of Examiners of Military Claims have reduced them still farther, (say 15 per cent.,) on amount turned over to them by that body, as well as still greater reductions on others which had never been examined by them. Thus it will be perceived, that an "estimate" would only be one embracing the amount of claims which claimants believe themselves entitled to receive, and not what would constitute a debt, if presented and audited, in confor-

mity to the strict method adopted heretofore by the Legislature and auditing officers in the examination and allowance of this class of claims; and which would, undoubtedly, reduce them at least 33⅓ and probably 50 per cent. on amount claimed. The Comptroller believes, however, that before the whole of the War Claims now held in the State are presented, fully settled, and claimants cease to look either to the State or the General Government for further allowance, the original claims now unaudited will, in the aggregate, amount to from $300,000 to $400,000, and perhaps more. This estimate, added to the amounts originally claimed and audited, either wholly or in part, since January, 1852, and since my estimate of $1,000,000 (then unpresented,) would at least reach that sum.

With respect,
I have the honor to be
Your ob't serv't,

WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 51.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

JUDICIARY COMMITTEE.

[GEORGE KERR, STATE PRINTER.

REPORT OF THE JUDICIARY COMMITTEE.

Mr. President:

The undersigned, from the Judiciary Committee, have had under consideration Assembly bill for an Act to provide for the compilation and publication of the laws of the State of California, and the payment thereof, and make the following report:

We consider the bill carefully drawn, and that it protects the interest of the State. Its subject matter is important, and very necessary to the administration of the law, inasmuch as the statutes of the preceding sessions of the Legislature are out of print, and not in the possession nor within the reach of many of the County Officers. Besides this, many laws passed at the different sessions of the Legislature have been amended at subsequent sessions and at the close of the present Legislature. Laws affecting the same interests and upon the same subject, will be scattered through four volumes, some of which are badly indexed, and others badly bound and rapidly being destroyed, thus rendering it a difficult task for those who are not entirely conversant with the statutes, to determine what is the law of the land.

The bill provides for bringing together, in one well bound volume, the entire statute law of the State which may be in force at the close of the present session of the Legislature, without condensation or alteration, thus affording to the State and County officers our entire statute law, carefully and copiously indexed, and divested of all repealed and expired statutes and amended sections.

The compensation fixed in the bill is regarded as by no means extravagant, when the importance of the work, and the outlay of labor and money necessary to the completion and delivery of the work is considered. For these and other reasons, numerous and convincing, the undersigned respectfully recommend the passage of the bill without amendment.

(Signed) JAMES W. COFFROTH,
HERRY A. CRABB,
M. M. WOMBOUGH,
SAM'L B. SMITH,
PAUL K. HUBBS.

[Document No. 52.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

JOINT SELECT COMMITTEE,

TO

INVESTIGATE THE MANNER OF THE PASSAGE OF THE STATE PRISON LAW THROUGH THE LAST LEGISLATURE, AND A CONTRACT BASED UPON THE SAME.

[GEORGE KERR, STATE PRINTER.

REPORT.

The Joint Select Committee of the Senate and Assembly, to whom was referred a Resolution directing an investigation into the passage, through the last Legislature, of an Act for the erection of a State Prison, and a contract between F. Vassault and the State of California, based upon said law, respectfully report—

That they have given the subject confided to them as close attention as the duties devolving on them, in their respective Houses, would admit; and although they have not evolved as many facts as were at first anticipated, they feel that the testimony elicited will give a full understanding of the whole matter.

Your committee find, that on the 16th of April, 1852, the bill for the erection of a State Prison was introduced into the Senate, and on the 26th of the same month was reported by committee, and passed finally. The endorsement on the back of the bill by the Secretary avers, that it was reported from the State Prison Committee on the 24th of the same month. The Journals of the session of that date give no evidence of such report, and the committee, therefore, find a discrepancy in the Journal, or in the endorsement of the bill. The Secretary of the Senate deposes, that one of the manuscript sheets of the Journal is missing; but upon a strict examination of the manuscripts for the month of April, we find that the sheets for the 24th and 26th days of that month are in regular form.

Your committee have closely examined the bill originally introduced into the Senate, and cannot find erasures or blotches upon the paper, to indicate that any amendment was surreptitiously, or otherwise, torn from it. They cannot find, in the list of amendments reported to the bill, when under consideration on the 26th of April, one limiting the cost of a Prison to $100,000, nor any other amount; but from all the evidence presented, from every link in the chain of testimony, we are fully of opinion that a limitation

amendment of $100,000 was offered, and was actually passed. The depositions of the various Senators who occupied seats last year, and some of whom are still members of the body, refer directly to this amendment; and one or two positively state that the limitation passed, not only in *quasi* committee, but also in open Senate. Col. Hubbs, then and now a member of the body, affirms that "the bill passed both the Committee and Senate with a limitation of $100,000." Capt. Walton, another member, asseverates almost as strongly in his testimony. He states that when the bill was "brought to me, I saw that there was a limitation in it of $100,000, and that amendment passed the Senate."

Under this head of the question, the committee would call particular attention to the testimony of those gentlemen who were members of the last Legislature. Senators and Assemblymen testify to the same fact—they entertain the same opinion—and the same belief pervades their depositions, that an amendment was adopted limiting the cost of the building. Even after the enactment had been sent into the Assembly, we have the testimony of several members of that body, that the limitation was believed to be attached, and a general impression was prevalent, of its existence within the provisions of the Act. The committee are of opinion that this belief alone secured its passage, and if the amendment was not in the bill *in words*, it was there by *implication*.

The error must be considered simply a clerical omission, either on the part of the Secretary of the Senate, in not incorporating it in the body of the bill, or of the enrolling or copying clerk, in transcribing the same. The proposition of legalizing, by recognition on the part of the Legislature of a seeming law, that clearly never received the endorsement of the law-making power, would be establishing a precedent that should make us pause, and consider well its effects. An accident or mistake, of a similar character, might, at some future time, so embarrass the financial position of the State, as to involve her in hopeless bankruptcy. Such, even, might have been the case with the law under consideration. The same authority that recognised an expenditure of a million of dollars, would have been equally binding upon any other contract of the Commissioners, and to an indefinite amount. The Supreme Court of California has already asserted the right to go behind the *prima facia* evidence of the authenticity of a law, and examine, in every particular, as to the constitutional compliance in the enrolment, passage, and signing of the same. (Fowler *vs.* Pierce. People *vs.* Clark.) In this they have only adopted the precedents established in other States. (2d Hill—People *vs.* Purdy. 25 Wendell—Hunt *vs.* Van Alstyne.) With how much greater propriety do we proceed to investigate the matter under consideration? Not a departure from the mere formalities required to give effect to a law, but the recognising as law that which never substantially received the necessary assent of either branch of the law-making power, and which common sense at least would decide could consequently have no efficacy or binding force upon the State. Your committee can take but one view of the matter: that the finances of the State are not to be the subject of accidents and mistakes of such a nature as those indicated in the passage of the law, but are entitled to the same benefit of well established rules of construction, and the same manner of relief, as individuals in like cases.

Your committee, therefore, are disposed to recognize the law, not as

appearing upon the statute books, but as it is clearly established to have passed both Houses of the Legislature; and that, therefore, any contract exceeding the amount of the limitation, ($100,000,) is clearly void, the commissioners having no authority, and consequently no ability to contract.

In arriving at this conclusion, your committee conceive that they have strictly adhered to legitimate rules of construction, as established by judicial decisions; giving efficacy to that which received the sanction of the Legislature, and the approval of the Executive, as law, and repudiating that portion which, from the evidence, never received the constitutional requirement, the sanction of either branch of the Legislature.

It is unnecessary here to advance at length all the reasons that have actuated the committee in this expression of their views, or to picture forth the startling results of making that law, which the people of California never did ordain; reserving an extended expression of their views when the matter comes fairly before the Senate.

Section 5th of the Act providing for the erection of a State Prison, directs that "the Commissioners shall advertise for *forty days* for proposals for erecting the prison buildings, according to the plans and specifications;" and section 6 provides distinctly, that "at the expiration of the time, the Commissioners *shall open* and *examine* all the proposals that may have been received by them, or either of them, and award the contract to the lowest responsible bidder." In accordance with the above provisions, the advertisements were inserted as provided by law. No proposition was made acceptable to the board, and proposals were again invited, based upon an opinion of the Attorney General of the State.—Your committee conceive that the board have exercised a doubtful right, in going beyond the powers conferred by the law; but assuming the correctness of the position taken by the Attorney General, of the right of the Commissioners to extend the time for further proposals, your committee cannot endorse the manner in which the Commissioners acted upon that advice. It appears by the documents transmitted with his Excellency's annual message, that the second advertisement, extending the time for proposals, requires that the bids must be made in detail—per pound, per thousand, and per square foot, for all the material used in the building. The advertisement bears date 29th September, and the communication submitting the proposal to the Governor, bears date October 2d. In considering the calculation necessarily involved in preparing and submitting a detailed proposal, and the importance in a financial point of view, that every possible dollar should be saved to the State by competition in the bids, your committee think the time (two days,) exceedingly limited, at which the Commissioners thought proper to stop the reception of proposals; in fact, that the second letting was in compliance neither with the letter or spirit of the law, and the question of the validity of the contract, may be very properly raised upon the foregoing premises, notwithstanding the high legal official, the Attorney General, holds an adverse opinion.

Under sections four, five and six of the law, the commissioners were assigned the duty of approving the plan, determining the size and the material to be used in the erection of the building, to advertise for proposals for forty days, and then award the work. The several proposals

and award upon them were presented, as required by the sixth section, to the Governor for examination. On the 6th of October, 1852, the Governor placed on file a statement setting forth an approval of the *award* — the work having been given, as required by the act, to the lowest bidder. Two bids were presented—one offered by Mr. F. Vassault, and one by Mr. Isaac Saffrans. Your committee have examined these bids, and find that the proposal of Mr. Saffrans at least 15 per cent. higher than Mr. Vassault's proposition, and consequently the acceptance of Mr. V.'s bid was proper, and the assent of the Governor to the award, under the law, correctly given. On the 9th of the same month, *the contract* for the erection of the Prison building was executed on the part of the State by the Board of Commissioners, but upon examination, we find that it never received the approval of the Governor, that officer contending, and correctly too, as we believe, that the law required him to examine the proposals and the award, and decide whether the work had or had not been awarded to the lowest bidder. The eighth section of the act, it is true, has been construed to require the approval of the Executive, to give effect to the contract, but your committee are of opinion that the section referred to required him to examine the work *after completion*, and if executed according to the provisions of the contract, he was to approve the same, before bonds could issue in payment to the contractor. We base this opinion upon the concluding clause of the eighth section of the Prison act, which directs the issuance of bonds, "*upon the approval of the completion of said contract by the Governor in accordance with the conditions of the contract made by the Commissioners.*

In view of the fact that misrepresentations have gone forth, in relation to the acts of the Executive under this law, your committee cannot do less, acting justly in the premises, than state that the action of the Executive in this matter, appears to have been characterized by a desire to comply strictly with the requirements of the face of the law, and to guard carefully the interests of the State.

Your committee find by the estimates made by Mr. R. Clark, a gentleman enjoying a high reputation as a competent architect and an experienced builder, that under Mr. Vassault's bid the cost of the Prison building will reach $800,000, and probably over $1,000,000. Against this heavy outlay of money, the fundamental law of the State interposes its protecting hand, and nullifies at least three-fourths of the contemplated expenditure. The language of the section of the Constitution curtailing the power of the Legislature to create debts beyond a certain limit, is sufficiently plain to enable the most common understanding to form a correct opinion. It admits of but one construction—letter and spirit have but one tendency. It emphatically denies the power of the Legislature to create "any debt, or debts," above the sum of $300,000, except the act appropriating it be first submitted to the people. This prohibition is not clothed in ambiguous syntax—it is positive and potential. We give it in full, being Article VIII. of the Constitution of the State, under the head of "State Debts," as follows:

"The Legislature shall not in any manner create any debt or debts, lia-
"bility or liabilities, which shall singly, or in the aggregate, with any
"previous debts or liabilities, exceed the sum of *three hundred thousand*

" *dollars*, except in case of war, to repel invasion, or suppress insurrection, " unless the same shall be authorized by some law for some single object or " work to be distinctly specified therein, which law shall provide ways and " means exclusive of loans for the payment of the interest of such debt or " liability as it falls due, and also pay and discharge the principal of such " debt or liability within twenty years from the time of the contracting " thereof, and shall be irrepealable until the principal and interest thereon " shall be paid and discharged; but no such law shall take effect until, at a " general election, it shall have been submitted to the people, and have re- " ceived a majority of all the votes cast for and against it at such election; " and all money raised by authority of such law, shall be applied only to " the specific object therein stated, or to the payment of the debt thereby " created; and such law shall be published in at least one newspaper in " each judicial district, if one be published therein, throughout the State, " for three months next preceding the election at which it is submitted to " the people."

The language in the above article from the Constitution, is so plain, con cise, and comprehensive, that it can hardly be misconstrued; yet by some, it is construed to mean almost nothing. This provision was wisely inserted, and was intended as a restriction on legislative powers given in other parts of the Constitution, confining government within the narrower bounds pre- scribed. It is also in the nature of a proviso or limitation to the powers elsewhere granted,—and if all the powers granted may be exercised to their fullest extent, notwithstanding this provision, then it becomes inopera- tive. To give it effect,—and all parts of the Constitution must be construed together, so as to make each part operative,—it must be regarded as re- striction on other parts. The obvious meaning of the language used will show to what extent it is to be restrictive,—every power shall be subject to this limitation. It is alike applicable to the specific powers granted, as to the general powers of the Legislature.

Yo ur Committee, therefore, are of opinion that the Legislature has not the po wer delegated to pass a law appropriating the amount of money contemplated in the State Prison contract. The Constitution is in itself sufficient to declare null and void the action of the Commissioners, with- out even taking into consideration the testimony elicited, that a limita- tion in the expenditure was actually incorporated in one of the sec tions of the statute. Various decisions might be adduced to sustain this posi- tion, but your committee feel it unnecessary to enumerate but one which is still fresh in the recollection of every member. In the state of New York a heavy expenditure of money was appropriated for the enlargement of the Erie Canal. The Constitution of that State contains a restrictive clause similar to the limitation proviso in the fundamental law of Cali- fornia. The Legislature of the former State authorized contracts involv- ing a larger expenditure than the limitation in the Constitution, and the contracts were accordingly declared null and void by the Supreme Court of the State.

Your Committee would herewith present the two bids received by the Commissioners, and in connection with it would ask particular attention to the testimony of Mr. Clark. Proper estimates will be found in his evi-

dence of the cost of the buildings under the bids, with an analysis of the various items. Several portions of the bid are vague and indefinite, and cannot be estimated properly. Carpenters' work is estimated by the day, but no approximation is given of the number of days that will be devoted to completing the work. The following are the bids of Messrs. Vassault and Saffrans.

SAN FRANCISCO, *September* 29, 1852.

Hon. JAMES S. GRAHAM,

Commissioner of Public Buildings, and his associates.

Gentlemen—

I propose to erect the "State Penitentiary," and out-buildings, at "Point San Quentin," in Marin county, in accordance with the drawings now on file in the Commissioner's office, at the following rates, viz:

For Excavations and Embankments, each,	$1 25	per solid yard.
Hammered Stone,	2 30	" foot.
Cut Stone,	3 30	" "
Rubble Stone,	1 12½	" "
Bricks laid in the walls,	37 50	per 1000.
Iron work,	25	" lb.
Carpenter's work,	8 50	" day.
Lumber,	90 00	" 1000 ft.
Plastering,	1 50	" yard.
Tinner's work,	25 00	" square.
Painting and Glazing,	25 00	" do.
Copper work,	45	" lb.
Locks for Cells,	80 00	each.

For the faithful performance of the within, I refer you to the annexed guarantee, and remain, very respectfully,

Your obt. servant,

FERD. VASSAULT.

[Messrs. J. M. Estell, Jos. Daniels, and R. H. Allen, are offered as sureties on the above.]

San Francisco, *Sept.* 30, 1852.

To Commissioners of Public Buildings.

Gentlemen—

I will furnish the materials, &c., for the prison building, in accordance with your advertisement, for the following rates :

For Excavation and Embankment, each,	-	$1 50	per yard.
Hammered Stone,	- - -	2 44	" foot.
Cut Stone,	- - - -	3 50	" do.
Rubble Stone,	- - - -	1 25	" do.
Bricks in the wall,	- - -	40 00	" 1000.
Iron work,	- - - -	30	" lb.
Carpenters' work,	- - - -	10 00	" day.
Lumber,	- - - -	100 00	" 1000.
Plastering,	- - - -	2 00	" yard.
Tinner's work,	- - - -	30 00	" square.
Painting and Glazing,	- - -	30 00	" do.
Copper work,	- - - -	50	" lb.
Locks for Cells,	- - - -	100 00	each.

I will offer as my sureties for the performance of the contract, the names of John Middleton and T. Butler King.

Yours, &c.

ISAAC SAFFRANS.

Your committee would draw attention to the fact, that under the contract a heavy item of expenditure is subject to the supervision of the present Legislature. It is as follows :

"The party of the second part agrees to complete the Prison buildings containing one row of the male prisoners' cells within nine months, and to complete and finish the entire work according to the said plans, and the beforementioned specifications within two years from the date of this agreement, and it is farther understood and agreed by the parties hereto, that the next Legislature of California shall have power by Act or Joint Resolution so far to change the plan for the construction of the State Prison building as to dispense with the keeper's house."

The "keeper's house" is an expensive item in the contract, and in the opinion of the committee, the plan proposed for its erection is too elaborate for practical purposes, and was scarcely contemplated by the law. Its design is upon a scale of great magnificence, which is not warranted

even to promote a harmony of structure with the other buildings. Our young State has not reached that climacteric point in financial greatness, which will warrant an outlay of double her total annual receipts in the erection of a penitentiary. We should be content with buildings of smaller dimensions than those proposed to be erected. A substantial structure is all that our wants demand, and all that our depleted Treasury will warrant.

Your committee are of opinion that a substantial Prison building should be erected, to secure the prisoners now in the hands of the contractors. They understand that the contractors have in their charge, about two hundred of the most desperate men in the State, and they, therefore, recommend that an appropriation be made for the work, and its immediate commencement. As the amount of money that will be appropriated, will fall short of completing a work required in this State, we advise the construction of strong cells, well built, to correspond with a suitable plan, so that by an extension, or by additionali improvements made from time to time, they harmonize with the adopted plan.

As regards the expense of a structure required in this State, we do not hesitate to say, that $1,000,000 is a heavy sum of money to complete it. The cost of the House of Refuge at Cincinnati, Ohio, was $150,000. The difference in the price of labor and material between this State and the State of Ohio, is in the ratio of 5 to 1, which would make such a work as was constructed in Ohio cost here $750,000.

The House of Refuge for juvenile delinquents, at Baltimore, cost $40,000. This, at California prices, would amount to $200,000.

The cost of the House of Refuge at Rochester, was little less than $100,000,—which, at our prices, would be $500,000.

The State Prison at Charlestown, Mass., was enlarged in the year 1850, at $80,000; at our price it would have cost $400,000.

With all these facts before us, your committee recommend that the existing State Prison contract be declared null and void, and that an appropriation of $100,000 be made for the construction of such works as are at present necessary for the safe keeping of the prisoners in the hands of the contractors.

In submitting the above views to the consideration of both Houses, your committee have been actuated by a sole desire to protect the interests of the State, and at the same time to do justice to those who have been connected, directly or indirectly, with the law and the contract.

That a limitation amendment of $100,000 was incorporated in the bill, has been abundantly proven by the evidence of Henry E. Robinson, Esq., who positively affirms that he offered it, heard it read by the Secretary, and witnessed its adoption by the Senate. No testimony has been adduced to show that any member or *attaché* of the Legislature was remotely instrumental in procuring its abstraction from the bill.

In conclusion, your committee annex the testimony taken, to which they invite attentive perusal. They beg leave to submit the following resolution :

Resolved, That the Committee be discharged from the farther consideration of the subject.

JAMES W. COFFROTH, Chairman.
D. B. KURTZ,
J. R. SNYDER,
J. C. McKIBBEN,
Senate Committee.

JOHN J. HOFF, Chairman.
FRED. A. SNYDER,
J. CONNESS,
PATRICK CANNEY,
A. G. McCANDLESS.
Assembly Committee.

TESTIMONY

TAKEN BEFORE THE SELECT COMMITTEE ON THE INVESTIGATION OF THE CIRCUMSTANCES OF THE PASSAGE OF THE STATE PRISON LAW AT THE SESSION OF 1852.

Wednesday, Jan. 19th, 1853.

MR. MCLANE, sworn.

Was Enrolling Clerk of the Senate at the last session of the Legislature. He enrolled a bill providing for the erection of a State Prison; does not recollect that an amendment limiting the cost to $100,000, was attached to it. The land for the State Prison was bought of Mr. Buckelew. The bill was not out of my possession until it went to the Enrolling Committee. Does not recollect that there were any amendments to the bill limiting the cost of the building, but his impression was that there was an amendment in it of $100,000. The bill was enrolled the same day it came into my possession. I had but one deputy, except on the last day of the session, when I had two or three. Gen. Estell and Maj. Graham came in and looked at the bill while I was enrolling it. I never noticed any thing which would lead me to believe that any amendment had been torn off the engrossed bill. I received the bill from the Secretary of the Senate. I do not think I ever left any bill exposed on the table, unless Mr. Hubbs was present; I may have done so when I went into the Senate Chamber for a few moments. My impression that there was an amendment limiting the cost to $100,000, is made from what I heard said about it from others, and think the clause was in the bill itself. Gen. Estell came to me and stated that the bill was of great importance, and he wished it enrolled immediately, and that I would confer a very great favor on him by enrolling it as soon as

the Prison. Was not in Vallejo when the bids were made. Was in the Senate hall and heard the restricting clause discussed in committee of the whole.

WM. C. KIBBIE.

JAMES G. STEBBINS, sworn.

Was Assistant Secretary of the Senate at the last session. I recollect the Bill in question and about the time it was introduced, and have an indistinct recollection of a clause of limitation being in the Bill. The Bill was reported back on the 24th of April, and the endorsements are in my own hand-writing. Mr. Carpentier took bills from the Secretary's table for engrossment. I remember Mr. Carpentier took the Oakland Bill from the Secretary's table; also the body of the Bill reported back by the Committee I think is in Mr. Carpentier's handwriting.

JAS. G. STEBBINS.

D. C. BRODERICK, sworn.

Was a member of the Senate last year; was one of the committee to whom the Bill in question was referred. Dr. Keene reported it back to the Senate first. There was a motion made by a member to make a limitation of $300,000; it was voted down. It is my impression there was a limitation of $100,000 in the Bill. I was in favor of it myself, and spoke to several persons, (Gen. Estell, Gen. Denver, Robinson and others.) that were near me, about it. There were several amendments offered to the Bill. It is my impression that a vote was taken with a limitation in the Bill of $100,000, though I am not positive.

D. C. BRODERICK.

P. K. HUBBS, Sworn.

Was a member of the Senate last year; I recollect the passage of a bill called the State Prison Act. About the 24th of April the bill was before the Senate; several amendments were offered, amongst the rest, one giving the Governor supervision of it. One amendment, of a sum, I think $200,000, and one of $50,000, both failed; another one naming $75,000 or $80,000, and failed; an amendment was finally offered of a limitation of $100,000; I think it was offered by Mr. Robinson. The limit of $100,000 was passed in *quasi* committee, and reported to the Senate. It was in shape of a proviso; it was the last matter considered by the committee, in relation to the bill. My impression is that the Senate adopted the amendments of the committee *en masse*. I voted against the bill throughout. I gave a great deal of attention to the finances of the State, and was very timid about placing any additional debt upon the State, and felt dissatisfied that $100,000 had been added to the expenses. In every estimate I made, I included the $100,000. I

am positive the bill passed both the committee and Senate with a limitation of $100,000.

Question.—Did any person or persons take any particular interest in the passage of the bill?

Answer.—I did not notice any one in particular.

PAUL K. HUBBS.

Jesse Brush, Sworn.

Was a member of the Assembly last year. I remember the time the bill called the State Prison Act was before the Assembly. I recollect there was a clause of $100,000 in the bill to buy the land, but was told that was merely for form as the land would be given to the State. I was asked to support the bill by a Senator. I recollect hearing the bill read, and there being a limitation in it, but cannot tell the sum. The bill was passed very rapidly through the House. Gen. Estell asked me to support the bill previous to its coming to the House; at this time he had charge of the prisoners, and had no place to keep them.

JESSE BRUSH.

John Walton, sworn.

Was a member of the Senate last year. I cannot tell the precise time the bill in question was introduced. It was in the latter part of the session. I sent the bill read and examined it—saw the insertion of one hundred thousand dollars in an amendment, in Mr. Robinson's writing; but do not know whether it was in the bill when it passed or not. I do not know at what section of the bill the amendment was placed. Mr. Robinson had charge of the amendments, and I left it to him to arrange. When he brought to me, I saw there was a limitation of $100,000 to it, and that amendment passed in the Senate. I did not hear any discussion upon this amendment, or any objection made to the limitation being in the bill.

JOHN WALTON.

Gen. Estell, sworn.

Was a member of the Senate last year. I am lessee of the State Prison, and took no interest in the passage of the bill called the State Prison Act. It was presented by Dr. Keene, and referred to the State Prison Committee; they reported the bill, and the Senate went in Committee of the Whole upon its consideration; many amendments were proposed for its improvement, among the rest one by Mr. Robinson for $100,000, which seemed to be considered by a majority of the members, and by myself particularly, rather objectionable. Other amendments were proposed by members, when Mr. Robinson called for the ayes and noes upon his amendment. The Chair stated that in Committee of the Whole, the ayes and noes could not be taken. Mr.

Robinson said he would call for the ayes and noes when the bill was reported to the Senate. About this time, some other bill was taken up, and the State Prison Bill temporarily laid on the table. I do not recollect whether Mr. Robinson ever sent up his amendment to the Chair or not, or whether he called for the ayes and noes; I think he did not. If any vote was taken on his amendment it was taken in Committee of the Whole; if so it was carried. I never examined or saw the bill or amendment; do not know whether the amendment was attached to the bill; spoke to no Clerk in connection with the bill after this day's proceedings, except the Clerk of the Enrolling Committee, who was so neglectful of his duties he had to be publicly reprimanded, and by whom but few members could obtain the enrolling of a bill without their personal attention; and nothing was ever said to him about the enrolling of the bill, except to induce him to attend to his duties. The bill did not come up before the Senate but once after it was reported, and it passed that day, for it was taken up as soon as the business for which it was laid temporarily on the table was disposed of. I have no knowledge of any act of impropriety being taken with this or any other bill, either by members or clerks. I know nothing of the purchase of the land to erect the State Prison upon. I would not have given the price that was paid for private purposes. The man who owns the land is very difficult to deal with, and asks a very high price for it, and I was willing to move on account of the price he charged. There were several bids made for the contract, one was $100,000; one $150,000, and one near $1,000,000. I have never heard of any party receiving a consideration for withdrawing a bid, and I believe it is untrue.

Question.—Do you know of any parties connected in interest with the successful bidder?

Answer.—There are several parties connected: Major Allen, Joseph Daniels, and Andrew Garr, were particularly interested at the time the contract was made; since that time, a chartered company has been formed, and all parties are interested to the amount of their stock in all labor done by the prisoners. I believe that the State Commissioners were not interested in the contract to the amount of one cent. The parties who bid $100,000 and $150,000, withdrew their bids, stating they made those bids for the purpose of finding whether the Commissioners would give the contract to the lowest bidder; they had no idea of taking the contract at those prices. After the law had passed, leasing the State prison to General Vallejo and myself for ten years, they were re-leased to Col. John Hays and Major John Caperton; they kept them some months, and reported a loss of over eleven thousand dollars.

After consultation with General Vallejo or his agent, they determined to ask the Legislature to release them from the contract, turning them back to me. This I refused to agree to, in consequence of having no State prison in which they could be safely kept. They had overpowered the guard but a few weeks before, placed them in the cells, locked them up, and seventeen of them escaped in a body. But a few weeks elapsed until they again broke away, and eleven escaped in a body. am compelled, under the law, to offer a reward for escaped convi

which falls heavily on the contractors. Such a number being at large and likely to be recaptured, was a heavy item in the way of expense.

After much solicitation, I consented to receive them back again, provided a law could be passed to build a State prison. Hays and Caperton being extremely anxious to get clear of a losing contract, took charge of the passage of the bill, and urged it on the members of the House. I was only compelled to take charge of the prisoners again in the event that this bill became a law. The recent losses had frightened me, and it will be readily seen I would not be very anxious to try it again, having become heartily tired of it before I gave it up to Colonel Hays.

J. M. ESTELL.

GEN. J. W. DENVER, sworn.

At the time the State Prison Bill was under consideration in the Senate, (being in committee of the whole,) a number of amendments were proposed and some of them adopted, others rejected. I think the last or among the last offered was one proposing to limit the amount of money to be appropriated toward building the State Prison, and several Senators made different propositions. Mr. Robinson of Sacramento proposed to fix the limit at one hundred thousand dollars. Some objection was made and a good deal of confusion ensued, during which Mr. Estell said he was satisfied with that restriction, and Mr. Robinson called the ayes and noes, but on the suggestion of some person, (and my impression is that it was Mr. Broderick of San Francisco,) that as that could not be done in committee of the whole he had better defer his amendment until the Bill was reported back to the Senate. Mr. R. replied (as near as I can recollect,) "Very well, gentlemen, I will make you record your votes on this yet," and then threw the paper he held in his hand down on the desk. I have no recollection of the amendment having been afterwards offered and do not think that it was.

J. W. DENVER.

JAMES MILLER, Sworn.

Was a member of the Senate last year. Was in the Senate at the time the bill called the State Prison Act passed. In committee of the whole, an amendment of a limitation of $100,000 was offered. I think no vote was taken upon this amendment. The reason I recollect this amendment is, that Gen. Estel' said he was willing it should be adopted. There were five bids made for the contract to build the State Prison; the lowest was $100,000. The lowest ones were withdrawn at the second meeting of the board. I thought it was the duty of the board to accept the lowest bid, if the parties were responsible. Mr. Vassault was the only person known to me in the accepted contract. I suppose it would require about $500,000 to build the State Prison.

I was not present when the land was purchased.

JAMES MILLER.

GEORGE MCDOUGAL.

Was State Prison Inspector and Commissioner. There were five bids made for the contract, ranging from $100,000 or $150,000 to $1,000,000. It was ascertained that the same parties were making different bids, from the lowest up.

I was not present at the second meeting of the board. An architect we employed made an estimate that the building would cost $700,000 or $800,000.

Mr. Vassault's first bid was $750,000, and another conditional one of $1,000,000.

I did not sign Mr. Vassault's contract. I authorized Mr. Graham to sign it for me. I know nothing about the purchase of the land.

GEO. McDOUGAL.

DR. MCMEANS, sworn.

Was a member of the Assembly last year. Was present at the time the bill in question passed. Recollect a discussion which took place regarding a limitation being placed in the bill.

I was chairman of State Prison Committee. My impression is that a limitation of $100,000 was placed in the bill.

Mr. Graham, present Superintendent of Public Buildings, seemed to be much interested in the passage of the bill.

He was a member of the State Prison Committee.

S. A. McMEANS.

March 3d, 1853.

JAMES S. GRAHAM was sworn, and gave his testimony.

Is Superintendent of Public Buildings, and was a member of the last Legislature, and was one of the Commissioners to give out the contract for the State Prison. I was a member of State Prison Committee last Legislature. I looked over the Bill and did not see a limitation of $100,000, but my impression was that it contained such limitation. I did not find out that there was not a limitation until after the Bill was enrolled. Some one mentioned to me that there was no limitation and I felt very much surprised. There were several persons who urged the passage of the Bill. An advertisement was given as to the time of the reception of proposals. There were several bids made; one bid made by Mr. Vassault, and all the others by one party. There was one bid made for $100,000 and I think it was given

in by B. F. Harley, but I understood it was given by other parties making bids; these bids I learned were not bona fide. He gave as reference for the security of the bids T. Butler King, and others. All these bids were withdrawn before the Commissioners advertised for the reception of farther proposals. Proposals were again asked; two bids were made, one by Mr. Vassault and one by Mr. Saffrans. I believe Messrs. Allen, Garr and others were interested in Vassault's bid. Saffran's bid had the proper security but it was the highest bid. The contract with Mr. Vassault was made with the understanding that the Commissioners could change the place of the Prison and reduce the amount of work: this agreement was limited up to the 1st of January. There was no discussion with the Commissioners in reference to extent of State debt in accordance with the Constitution. The limitation of $100,000 was spoken of at the second letting, but we had no other guide than the law for the erection of the Prison. Mr. Vassault's bid at the first letting was over $1,000,000. The ground was purchased of Mr. Buckelew; we paid $10,000 for it. The conditions of the sale were that Mr. Buckelew was to build a wharf out to 16 feet water, low tide: the wharf was to be completed on the first of January last—it is not completed yet. The amount of the purchase money has been paid Mr. Buckelew. There is a stone quarry attached to the Prison grounds.

JAMES S. GRAHAM.

Deposition of Christopher Garvey.

Christopher Garvey being duly sworn by J. J. Hoff, of the Joint Committee of investigation in relation to the State Prison Contract, deposeth and says:

That about the first day of July last, 1852, B. R. Buckelew called on him and requested him to draw up a deed, conveying twenty acres of land from said Buckelew to the Governor of California, and to his successors as such, for the use of the State, on which to erect a State Prison, and buildings, to be used for that purpose, for the above consideration and six thousand or six thousand five hundred dollars; and some eight or nine days thereafter, to the best of my recollection, said Buckelew called on me with a deed executed by him, and I took his acknowledgment of the execution thereof. I think the second deed was ten thousand ($10,000) dollars, with the clause that the land should be used for prison purposes, and obligating himself to build a wharf out to 16 feet of water, to connect with said lot so sold to the State.

C. GARVEY.

San Francisco, March 5, 1853.

March 11th, 1853.

REUBEN CLARK, sworn.

I am an architect. Was called upon to draw a plan for a State Prison, by the Superintendent of Public Buildings; also in reference thereto by the Commissioners.

I executed the plan and specifications for a State Prison.

Mr. Vassault's contract was in accordance with those specifications.

I made an estimate of the cost in accordance with the plan and specifications, as advertised for by the Commissioners.

The following are the estimates:

Estimate for Prison Wall and its Towers complete.

30,312 feet rubble stone work at 80 cents,	-	-	$24,249 60
19,104 " hammered stone work, at $1 25,		-	23,880 00
3,907,000 bricks " 32 00,		-	125,024 00
10,842 feet stone coping " 2 50,		-	27,105 00
1,048 " stone moulded " 5 00,		-	5,240 00
84 feet stone sills, at 2 50,		-	210 00
			205,708 60
Carpenter's materials and work on four towers,		-	150 00
3,832 lbs. iron in gates, at 25 cents,	-	-	958 00
Tin covering on towers,	-	-	60 00
8,650 lbs. iron on stairs, at 25 cents,	-	-	2,162 50
4 iron doors for towers, at $314,	-	-	1,256 00
4,800 lbs. iron clamps, &c., at 10 cents,	-	-	480 00
			210,775 10

Estimate for Keeper's House throughout complete.

2,662 feet rubble stone work, at 80 cents,	-	-	$2,129 60
582 " cut plinth, &c., at $2 50,		-	1,309 50
564 " cut sills, &c., 2 50,		-	1,410 00
38 " belt, &c., 2 50,		-	95 00
400 " cornice and caps, emb. 3 00,		-	1,200 00
128 " mullions, 2 25,		-	288 00
500 " moulded cornice, 5 00,		-	2,500 00
584,500 bricks, 32 00,		-	18,704 00
			27,637 10

3 iron doors, 2,100 lbs., at 25 cents,	-	-	$525 00
3 locks, at $80, -	-	-	240 00
Anchors, 800 lbs., at 12½ cents, -	-	-	100 00
Watch Tower, 3,235 lbs., at 15 cents,	-	-	485 25
Gallery, 1,200 lbs., at 25 cents, -	-	-	300 00
			29,287 35

Wood work at as follows:

43,555 feet joists, &c., at 6½ cents,	-	-	2,831 07
14,000 " flooring, 10 "	-	-	1,400 00
204 squares framing, $2 50,	-	-	510 00
93 " flooring, 2 50,	-	-	232 50
21,200 feet clear lumber, at 10 cents,	-	-	2,120 00
31 doors, at $20, - -	-	-	620 00
1 do 30, - -	-	-	30 00
1 door sash 30, - -	-	-	30 00
67 windows, 15,	-	-	1,005 00
Stairs, step ladders, in tower, -	-	-	325 00
			38,390 92
4 blinds, &c., apertures in tower,	-	-	80 00
1,800 feet base, at 15 cents, -	-		270 00
11 mantels, at $25, - -	-	-	275 00
Hardware, - -	-		450 00
3,650 yards plastering, at $1 10,	-	-	4,015 00
Water closet work, at 25 00,	-	-	25 00
37 squares tin work, 18 00,	-	-	666 00
128 feet copper work, at 45 cents,	-	-	54 00
200 feet copper conductors, at $1 25,	-	-	250 00
Painting and Glazing, -	-	-	2,800 00
			47,275 92

Estimate for Male Prisoners' Building complete.

6,925 feet rubble stone work, at 80 cents,		-	5,540 00
58,916 feet hammered stone work, at $2,00		-	117,832 00
17,517 feet cut do	2,25	-	39,413 25
8,739 do do	2,50	-	21,847 50
3,960 do floors,	2,50	-	9,400 00
5,004 do do	1,00	-	5,004 00
1,219 feet capping,	2,50	-	3,047 50
458,500 bricks,	32,00	-	14,672 00
			$216,756 25

Iron work as follows:

140 iron doors, 86,520 lbs.	at 25 cents,	-	$21,630 00
280 locks,	80,00	-	22,400 00
6,984 lbs. iron in stairs,	25	-	1,746 00
26,300 lbs. iron in galleries,	15	-	3,945 00
39,900 lbs. cast ventilators,	15	-	5,985 00
4,200 lbs. cast sockets,	15	-	630 00
11,220 lbs. cast brackets,	15	-	1,683 00
40,000 lbs. dowels and clamps,	10	-	4,000 00
			278,775 25

Wood work as follows:

20,000 feet lumber for centres,	at 6½ cents	-	3,300 00
3,500 feet scantlings for galleries,	6½	-	227 50
4,500 feet flooring,	10	-	450 00
1,600 feet clear lumber,	10	-	160 00
5 doors complete,	20,00	-	100 00
26 windows complete,	15,00	-	390 00
Setting centres,		-	2,760 00
Carpenters' work on galleries,	18	-	235 00
9 squares galvanised iron in roofing,		-	162 00
69 do tiling on roof,		-	2,208 00
Hardware,		-	350 00
Painting and glazing,		-	3,600 00
			272,717 75

Estimate for Female Prisoners' Building, complete.

2,660 feet rubble stone work,	at 80 cents,	-	$2,128 00
169 feet cut sills,	at 2,50	-	422 50
210,000 bricks,	32,00	-	6,720 00
5,290 lbs. cast frames of iron,	15	-	793 50
			10,064 00

Wood work as follows:

23,552 feet joists, sheeting, &c.,	at 6½ cents,	-	1,530 88
8,600 feet flooring,	10	-	860 00
1,000 feet clear lumber,	10	-	100 00
11 turned columns, wood,	15,00	-	165 00
132 squares framing, wood,	2,50	-	330 00

57 squares flooring, wood,	$2,50	-	$142 50
4 doors,	20,00	-	80 00
27 windows,	15,00	-	405 00
80 steps in stairs,	3,00	-	240 00
Hardware,		-	100 00
34 squares tin roof,	18,00	-	612 00
80 feet tin conductors,	50	-	40 00
992 feet concrete,	50	-	496 00
Painting and glazing,		-	350 00
9 iron doors 5,562 lbs.	25	-	2,390 00
18 locks,	80,00	-	1,440 00
			19,345 88

No. 6, Privies.

24,500 bricks,	at 32,00	-	784 00
24 feet stone sills,	2,50	-	60 00
1,300 feet lumber,	6½	-	84 50
Carpenters' work,		-	150 00
Hardware,		-	25 00
1½ squares tin roof,	18,00	-	24 00
Painting and glazing,		-	25 00
			1,152 50

Recapitulation.

No. 2,	- - - -	$210,775 10
" 3,	- - - -	47,275 92
" 4,	- - - -	292,717 75
" 5,	- - - -	19,345 88
" 6,	- - - -	1,152 50
		$571,267 15

The above estimates were made exclusive of the cost of excavation, which would not cost more than $10,000. I was willing and will be willing to build the prison under the plans and specifications, and advertisements of Commissioners, for the sum of money in the above estimates, and would give good security for the fulfilment of the contract.

I prepared the above estimates for Maj. Graham, and afterwards furnished Maj. Daniels and Mr. Saffrans a copy.

The following estimates are made upon the bid of Mr. Vassault, excepting carpenters' work and painting and glazing. These I have estimated at their true value, as it would be impossible to determine their cost,

owing to the irregular manner of the bid. The terms used for painting and glazing in the bid, I do not understand. Can't tell whether the bid refers to square feet, square yards, or 100 square feet. The carpenters' work in the bid is by the day, which is unusual; and I think my estimate for the same is about correct. I mean it is unusual as it is a contract or job, and the carpenter work is bid for by the day. I have not made an estimate of the cost of excavation under Mr. Vassault's bid, the amount of which is to be added to the aggregate cost of the prison.

Its cost depends entirely upon the location.

Estimate for the Prison Walls and its Towers complete.

30,312 feet rubble stone work at	$1 12½,	$34,101 00
19,104 " hammered "	2 30,	43,939 20
3,907,000 bricks at	37 50,	146,507 50
10,842 feet stone coping at	3 50,	37,947 00
2,096 feet sup'l moulding at	3 30,	6,916 80
84 " sills at	3 30,	277 20
		269,688 70
Carpenters' work and materials in 4 towers,		150 00
3,832 lbs. iron in gates, at 25 cts.		958 00
Tin covering on towers,		60 00
8,650 lbs. iron in stairs at 25 cents,		2,162 50
4 iron doors for towers at $3 14,		1,256 00
4,800 lbs. iron clamps, &c. at 25 cts.		1,200 00
		$275,475 20

Estimate for Keeper's House throughout, complete.

2,662 feet rubble stone work at	$1 12½,	$2,994 75
582 feet cut plinth "	3 50,	2,037 00
564 " sills at	3 50,	1,974 00
38 " belt at	3 50,	133 00
400 " cornice and caps embs at	3 50,	1,400
120 " mullions at	3 50,	448 00
1,000 " moulded cornice at	3 50,	3,500 00
584,500 bricks at	37 50,	21,618 75
		$34,105 50

3 iron doors 2,100 lbs. at	25,	-	-	$525 00
3 locks at	80 00,	-	-	240 00
Anchors 800 lbs. at	25,		-	200 00
Watch towers 3,235 lbs. at	25,	-		808 75
Gallery 1,200 lbs. at	25,	-	-	300 00
				36,179 25

Wood work as follows:

43,555 feet joists at	90 00	-	-	3,919 95
14,000 " flooring at	90 00	-	-	1,260 00
204 squares framing at	2 50	-	-	510 00
21,200 feet clear lumber at	90 00		-	1,908 00
31 doors at	20 00	-	-	620 00
1 do.	30 00	-	-	30 00
1 do. sash,	30 00	-	-	30 00
67 windows at	15 00	-	-	1,005 00
Stairs and step ladder in tower,		-	-	325 00
				45,787 20

4 blinds and apertures in tower,		-	-	80 00
1,800 feet base at	15	-	-	270 00
11 mantels at	25 00	-	-	275 00
Hardware,		-	-	450 00
3,650 yards plastering at	1 50	-	-	5,475 00
Water closet work,		-	-	25 00
37 squares tin work at	25	-	-	925 00
128 feet copper work,		-	-	54 00
200 " conductors at	1 25	-	-	250 00
Painting and glazing,		-	-	2,800 00
				$56,391 20

Estimate for Male Prisoners' Building complete.

6,925 feet rubble stone work, at	$1 12½,	-	$7,790 62
58,916 feet hammered stone work, at	2 30,	-	135,506 80
17,517 " cut do	3 50,	-	61,309 50
8,739 " do do	3 50,	-	30,586 50
3,960 " cut floors, at	3 50,	-	13,860 00
5,004 " do	3 50,	-	17,514 00
1,219 " cut coping, at	3 50,	-	4,266 50
458,500 bricks, at	37 50,	-	17,193 75
			$288,027 67

Iron work, as follows:

140 iron doors, 86,520 lbs., at 25 cents,		-	$21,630 00
280 locks, at $80,		-	22,400 00
6,984 lbs. iron in stairs,	at 25 cents,	-	1,746 00
26,300 lbs. do galleries,	25 "	-	657 50
39,900 " cast ventilators,	25 "	-	9,975 00
4,200 " " sockets,	25 "	-	1,050 00
11,220 " " brackets,	25 "	-	2,805 00
40,000 " dorrels and clamps,	25 "	-	10,000 00
			358,291 17

Wood work as follows:

20,000 feet lumber for centres, at 90 cents,		-	1,800 00
3,500 " scantling for galleries,	90 "	-	315 00
4,500 " flooring,	90 "	-	415 00
1,600 " clear lumber,	90 "	-	144 00
5 doors complete,	20 00	-	100 00
26 windows,	15 00	-	390 00
Setting centres and making same,		-	2,760 00
Carpenter's work on galleries,		-	235 00
9 squares galvanized iron in roofing,		-	162 00
69 " tiling on roof,		-	2,208 00
Hardware,		-	350 00
Painting and glazing,		-	3,600 00
			370,770 17

Estimate of Building for Female Prisoners complete.

2,660 feet rubble stone work, at $1 12½,		-	2,992 50
169 " cut sills,	3 50,	-	591 50
210,000 bricks,	37 50,	-	7,875 00
5,290 lbs. cast frames of iron,	25,	-	1,322 50
			12,781 50

Wood work as follows:

23,552 feet joist, sheathing, &c., at 90 cents,		-	2,119 68
8,600 " flooring,	90 "	-	774 00
1,000 " clear lumber,	90 "	-	90 00
11 turned columns, wood,	15 00	-	165 00
132 squares framing, do	2 50	-	330 00
57 do flooring, do	2 50	-	142 50

4 doors,	$20 00	-	$80 00
27 windows,	15 00	-	405 00
80 steps in stairs,	5 00	-	400 00
Hardware,		-	100 00
34 squares tin roof.	25 00	-	850 00
80 feet tin conductor,	50 cents,	-	40 00
992 feet concrete.	50 "	-	496 00
Painting and glazing,		-	350 00
9 iron doors, 5,562 lbs.,	25 cents,	-	1,390 50
18 locks,	80 00	-	1,440 00
			21,954 18

No. 6, Privies.

24,500 bricks,	at 37 50,	-	918 75
24 feet stone sills,	3 50,	-	84 00
1,300 feet lumber,	90 cents,	-	117 00
Carpenter work,		-	150 00
Hardware,		-	25 00
1½ squares tin roofing, at 25 cents,		-	37 50
Painting and glazing,		-	25 00
			1,357 25

Recapitulation.

No. 1, for excavations,	
No. 2, for towers and walls, - - - -	$275,575 20
No. 3, for keeper's house, including iron watch tower in rear, complete, - - - -	56,391 20
No. 4, for male prisoners' building, complete, - -	370,770 17
No. 5, for female prisoners' do do - -	21,954 18
No. 6, for privies, - - - -	1,357 25
	$725,948 00

N. B.—The above are the calculations of cost at Vassault's prices, exclusive of the excavation, the same being based on the quantities contained in my estimates.

REUBEN CLARK,
Architect.

The difference in the estimates made by myself and the estimates made under Mr. Vassault's bid, consists in the following items:

	My Estimate.	*Vassault's Bid.*
For public stone work, per cubic foot,	$0 80	$1 12½
Hammered stone,	2 00	2 30
Cut stone, per foot,	2 25 *a* 2 50	3 30
Brick work,	32 00	37 50
Iron work, per lb., according to value,	10 *a* 25	25 all.

The wood work, no material difference. There are many things to be done for the completion of the prison, not specifically stated in Mr. Vassault's bid, and of course no estimate can be made.

	My Estimate.	*Vassault's Bid.*
Tin roofing, per 100 square feet,	$18 00	$25 00
Plastering, per yard,	1 00	1 50

I did not offer a bid for the contract; my estimates were made for other people. If I had given in a bid, I would have made it less than my estimate. When I gave Mr. Saffrans a copy of my estimate, I told him it would be a good job at that price, and he could cut under that amount.

I would be willing to build the State Prison, strictly under the plans and specifications of Mr. Vassault's bid, for the amount of money in my estimates, and would give good security for that amount, and believe I would be doing well, and would do the excavation without charge. In all my estimates I made a cash basis of the cost, and not on scrip; but there is sufficient margin in the bid to make up the difference of discount on State securities.

REUBEN CLARK.

HENRY E. ROBINSON, sworn.

Was a member of the Senate last year. Towards the close of the session, the State Prison Act was introduced by Dr. Keene; it was referred to a committee as usual. It was reported back, and the committee recommended its passage. It was then taken up by the Senate in committee of the whole, and the bill was passed with various amendments. I was in my seat during the bill's consideration, and proposed several amendments. Some three or four are in my handwriting, and are now attached to the original bill. The last amendment proposed by me was a proposition to limit the amount of expenditure to $75,000. When that proposition was made, several Senators stated to me that the amount was too small. I found in conversation with them, that the amendment would not pass, and I withdrew it. It was made verbally. I then proposed the sum of $100,000. Some Senators suggested, as it was an important amendment, it should be written; it was accordingly written out, either by myself or Mr. Carpentier, who was in the Senate chamber at the time, and who might have written it for me; I believe, however, it was in my own handwriting. I took the amendments to the Secretary's table, and during the discussion which took place upon the subject, all parties seemed satisfied with the limitation of $100,000.

That amendment was adopted with other amendments, by a direct vote of the Senate; and so the bill passed. Of this fact I am positive. I then considered it the most important amendment to the bill, and should not have voted for the bill without this restricting clause. I took considerable interest in the bill from the fact that it required a heavy outlay of money; and bills of that class, when I was a member of the Legislature, requiring heavy expenditures, generally received from me especial attention.

Question—Did you see the amendment attached to the bill?

Answer—I did not.

Question—Did you hand the amendment to the Secretary, or did you lay it on the table?

Answer—I laid it on the table in front of the Secretary, and then resumed my seat. The reading of the amendment was called for, when it was taken up and read by the Secretary.

Question—Were the ayes and nays called upon the limitation amendment?

Answer—They were called; but the call was withdrawn upon a decision of the chair, that it was improper to do so in committee of the whole.

Question.—After the amendment was read by the Secretary was there a vote taken thereon?

Answer.—There was a vote taken on all the amendments.

Question.—Did the chairman of the *quasi* Committee declare the limitation amendment adopted?

Answer.—*Yes sir!* To the best of my recollection he declared it adopted. During the discussion of the amendment as well as I can recollect, several of the Senators declared that they would not vote for the Bill unless it had a restricting clause, and among that number was myself.

Question.—Did you vote for the Bill.

Answer.—*Yes sir.* When the Bill was put upon its final passage I voted no, but upon reflection I arose from my seat and announced to the Senate that as the Bill was amended to suit my views I had no objection to change my vote and accordingly voted aye in favor of its passage.

Question.—Had you any conversation with members of Assembly at that time in reference to the $100,000 amendment?

Answer.—Yes sir. I had conversations with various gentlemen in and about the Capitol in reference to the amendment, and I believe about the time the Bill passed. I stated the fact of the passage of the $100,000 amendment to Major Roman.

Question.—Do the Enrolling and Engrossing committees examine all bills or do they take the report of their clerks?

Answer.—In general the committees examine the bills, but during the press of business they sometimes made their reports from the examinations made by clerks.

HENRY E. ROBINSON.

March 26, 1853.

March 29, 1853.

JOHN F. HAYS, sworn.

After last session was over, I read the State Prison Act in the Secretary of State's office. I had gone there to get those acts which were passed particularly pertaining to the office of Treasurer of State. This took place in the early part of May. My impression is that I read in the Act which was filed in the Secretary's office, a clause which limited the expenditure to $100,000 in the erection of a prison. I don't recollect ever having heard the bill read before that time. I was in Vallejo at the time the contract was given out; on the afternoon it was awarded. Mr. Carpentier asked me to witness his disapprobation of the contract. He seemed dissatisfied with it. My recollection is, that he stated that his ground of dissatisfaction was the heavy expenditure of money. He said he was willing to enter into a contract involving an expenditure of $100,000.

JOHN F. HAYS.

MR. CARPENTIER, sworn.

Was clerk of the finance committee of the Senate last year. The bill for the erection of a State Prison was handed me by Mr. Broderick, of the State Prison committee, to whom it was referred. The report and substitute for the original bill is in my handwriting. I was then State Prison Inspector. After I drew this substitute, it occurred to me that there should be a limitation; I was anxious to have a clause of limitation placed in it; I went to Mr. Broderick and mentioned the matter to him, and he agreed to it. I then drew up an amendment and attached it at the end of the 8th section, just where the present amendment is attached in reference to the approval of the award by the Governor. The reason

of my attaching it on a separate slip of paper was, that the body of the substitute had been finished, and I had not time to re-write it. The committee were desirous to report immediately. The amendment read, I think, about as follows: "*Provided*, That the sum so expended shall not exceed $250,000." A conversation occurred between Mr. Broderick and myself, and he at first thought it too large an amount of money. He afterwards consented to the amendment limiting it to $250,000, and the substitute was forthwith reported. I wafered it on; I also made at the end of 8th section a star, and also made on the amendment a similar mark, to show where it was to be placed. The star that I made is still on the bill, and an attempt appears to have been made to imitate it on the amendment, which is there now directing the Governor to examine the award. The limitation amendment was in my handwriting, the present amendment is not.

Question.—What were your reasons for proposing the $250,000 amendment?

Answer.—The reason I suggested the amendment of $250,000, was the fact, that I was on friendly relations with the parties who were interested in the former State Prison contract; that I knew the men I had to deal with, and had been informed that they intended to become interested in the contract under this law, and I wished to avoid being placed in a position where I might be compelled either to quarrel with them or disregard my official obligations. I also was of opinion, that $250,000 was about the proper sum to be expended. After the adjournment of the Legislature, I think I would have sworn positively that the $100,000 amendment was inserted in the bill, although I have been led to mistrust the correctness of my memory on this point. I conversed with the Commissioners in reference to the limitation, and told them that my belief was that the bill passed with a limitation of $100,000, and that we should at least restrict the cost of the building to $250,000. I conversed with various Senators, Messrs. Broderick, Walton, Van Buren, Warner, and Robinson, and they all concurred that the limitation of $100,000 was attached to the law. The first intimation I had that the limitation was not in the Act was from Major Graham. He showed me a certified copy of the law without the limitation. I then called upon Messrs. Broderick and Van Buren in reference to it, and they agreed with me, that the Secretary of State must have made a mistake in certifying to the copy. I therefore proceeded to Vallejo, examined the law and the records, and found every thing apparently correct. I talked with the Attorney General in reference to the limitation amendment, and it was his opinion that the $100,000 restriction was intended to be included in the law, and that the Commissioners should act accordingly. I had a conversation with the Governor, before the letting, in reference to the law, and he informed me that a few days previously Mr. Henry E. Robinson told him that the bill passed with the $100,000 restriction in it. To the best of my recollection and belief, I was in the Senate chamber at the time the bill was under consideration, and heard an amendment offered by Mr. Robinson, limiting the cost of the prison to $100,000, and passed.

After the adjournment of the Legislature, I examined various places

for a site for the building. especially Goat Island, and other locations opposite San Francisco, and recollected a spot known as Bull's Head, at Martinez. My associate Commissioners presented me a report to the Governor, signed by them, stating that they had selected San Quentin Point, in Marin County. I then addressed the following letter to Governor Bigler:

San Francisco, June 20, 1852.

GOVERNOR BIGLER:

SIR:—A report signed by Mr. Commissioner Graham and Mr. Commissioner McDougal, in favor of locating the State Prison at Point San Quentin, in Marin county, has been presented to me for my concurrence.

The gentlemen, my colleagues, who recommend the selection of the locality have, I believe, visited the place and examined it with care and attention. I place great reliance upon their judgment and discretion, and instead of opposing obstacles, I shall, should a majority of the Board unite in recommending San Quentin, be compelled to give my assent, but having never visited the place referred to, I am unable to sign the report. And in connection it is but just for me to add, that of all the places which I have inspected, Martinez occurs to me most favorably as a sight for the State Prison; suitable alike on account of its ease of access, the healthiness of its climate, and the quality and abundance of the lime and building stone in its vicinity.

I have the honor to be,

Very respectfully,

H. W. CARPENTIER,

Commissioner of State Prison Buildings.

N. B. Smith, Esq., offered to donate twenty acres of land at Bull's Head point, near Martinez, upon which to build the State Prison. I communicated Mr. Smith's offer to some of the Commissioners before the land at San Quentin Point was purchased. There was some difficulty about the title of the land at Martinez, but Mr. Smith was willing to quiet it. Col. Land, the adverse claimant, also was desirous of having the Prison erected there. A few days after the letter above and the report of the other Commissioners were sent to the Governor, I think Major Graham, Ex-Governor McDougal, Mr. Commissioner George McDougal came into my office and presented an order from the Governor directing the purchase of the land at San Quentin Point, also a report from the Attorney General upon the validity of the title, and also a report to the Governor, signed by two or three of the Commissioners, to the effect that they had purchased the land, twenty acres, for the sum of $10,000. I refused to sign the report, but endorsed on the back of it the following:—

I hereby certify that Corte Madera, in Marin county, having been selected

by the Commissioners as a site for the State Penitentiary, and this selection having been approved by the Governor, as appears by a record under his hand and the seal of the State, and the other Commissioners having purchased the site, as appears in the foregoing documents, I yield assent to the same.

H. W. CARPENTIER,

Commissioner of the State Prison Buildings.

July 3, 1852.

The alleged reason for changing the amount was, I believe, that Mr. Buckelew agreed in the second deed to construct a wharf. It always struck me that $10,000 was a large sum to be paid for the land at San Quentin Point. Whether a private party could have purchased it at a less price, I am not advised. I suppose so; I doubt if land in the vicinity of the prison is worth $100 per acre. About the bay of San Francisco, the price of land for grazing and agricultural purposes averages, I should say, from $30 to $40 per acre; some is worth much more.

Maj. Graham being Superintendent of Public Buildings, procured the plan for the building. When the plans and specifications were finished, I thought them upon too magnificent a scale, and refused to concur in adopting them, considering them too expensive. I also advised Col. Miller to disagree with the plans, arguing to him that this was the only point on which the Commissioners could exercise discretion, and that the plans being once agreed to, mandamus would lie to compel us to accept the lowest bid, however enormous, and to sign the contract. I also had conversed with Col. Miller, who agreed with me as to the bill passing with the limitation of $100,000. The advertisements for proposals were inserted by Maj. Graham, and the names of the Commissioners appended by him. A day or two afterwards he called my attention to the fact, and told me he had taken the liberty of signing my name and that of the other Commissioners. I then told him that I did not consider the advertisement sufficient, as in my opinion the law required that we should state specifically the size and nature of the buildings, and the time and manner in which it was to be completed: in fact that a synopsis of the plans and specifications ought to be embodied in the advertisement. He differed, considering it sufficient, and stated that the other Commissioners agreed with him. So the advertisement stood as it was. We had some conversation as to whether the advertisement had complied with the law as to time. I contended that it was one day short of the legal time. At the time appointed we met at Vallejo, to open the bids and award the contract. We found six or seven distinct bids, ranging say $300,000 to over $1,000,000, I think $1,030,000. I suppose that the lowest ones were put in as a ruse to obtain money from the higher bidders—I was so informed by those interested in the higher bids. The bids were nearly all withdrawn the same day, with the exception of the highest, which was F. Vassault's, as agent. Some of the Commissioners were in favor of awarding the contract to the bid; I was opposed to it—refused to consent, and declared that the bid should not be accepted. We had warm words, broke up the session, and I being chairman of the board, adjourned it. The parties interested in the bid, I cannot positively

mention. A few days after the adjournment, the other Commissioners met me at my office in San Francisco, and we finally agreed as a matter of compromise, to reject the bids still pending before us, and advertise anew for proposals. I was of opinion that it required forty days notice—the other Commissioners differed; we finally submitted the matter to the Attorney General, who advised us that it was in the discretion of the Commissioners to advertise for such time as they thought proper.

Major Graham inserted the advertisement for a few days; at the expiration of the time according to the advertisement the Board met at my office in San Francisco, and two bids were handed in by the Commissioners. I think the advertisement was inserted in two or more papers, but cannot say the number of times. The bids were in the names of F. Vassault and Isaac Saffrans; one seemed to have been copied from the other. Vassault's was the lowest bid, and the other Commissioners made out a report and submitted the bids to the Governor for approval. We discussed the bids for several hours. The bids were handed in by the Commissioners, one by Major Graham and one by Commissioner McDougal. I think Mr. Vassault's bid was handed in open.

Question.—Do you know any party in interest with Mr. F. Vassault in this contract?

Answer.—I cannot say positively; I have heard Gen. Estell say that he was interested to the amount of one-eighth, and of other parties I cannot positively state.

It was at this meeting that the question of adopting the plans was again raised. I renewed my objections to the plan, knowing that with their adoption, our discretion in the matter under the law would cease. Col. Miller therefore stated that he had agreed to the plan with the other Commissioners.

I declined signing the majority report of the Commissioners and forwarded to Governor Bigler the following separate report:

To His Excellency,

GOVERNOR BIGLER:

Sir—The undersigned, one of the Commissioners of the State Prison Buildings, asks leave to report:

That in accordance with "An Act to provide for the erection of a State Prison," notice was given in three public newspapers for the term of forty days, for the proposals for the erection of a prison according to the plan and specifications filed in the office of the Superintendent of Public Buildings. At the expiration of the time advertised, six proposals had been received, of which three were subsequently withdrawn, and the rest rejected as unsatisfactory. It was thereupon resolved to advertise anew, but on advising with the Attorney General, notice was given extending the time for receiving proposals until the 30th September, when two new

bids were received, both of which are submitted to your Excellency by the Commissioners. By section 6 of the Act above referred to, the Board of Commissioners are required to award the contract to the lowest responsible bidder. The proposal marked "A," being the lowest bid entertained by the Commissioners, is submitted for your consideration and approval.

Should the contract be awarded, however, the undersigned is of opinion that it should be expressly stipulated that the contract is so awarded only to the extent of one of the main buildings with the cells, the building for female cells, the privies, kitchen, and necessary appurtenances, and the wall, according to the plan and specifications prepared under the direction of the Superintendent of Public Buildings; or should the award be for the whole work, according to the plan, the undersigned believes that it should be made subject to the approval of the next Legislature.

I have the honor to be,

Your Excellency's obt. servant,

HORACE W. CARPENTIER,

State Prison Inspector.

I afterwards called upon the Governor at Benicia, who agreed with me in reference to the impropriety of completing all the buildings.

I explained to the Governor that the Commissioners had no further discretion, and that if any was to be exercised, it should be by himself. A few days afterwards, the approval of the Governor, together with an agreement or contract drawn in the office of the Attorney General, were presented to me. I declined signing it for a day or two, but finally did so. It was at this stage the constitutional objection occurred to me. But I found that the law imposed upon us a plain ministerial duty, without choice or discretion. I was of opinion that to construe the Constitution where the statute was plain, was no part of my duties as Commissioner, and that mandamus would compel my signature. I so expressed my opinion, and as Chairman of the Board, signed the contract.

I have never had, nor have I now, any interest, or promise of interest, in the State Prison contract, either directly or indirectly.

H. W. CARPENTIER.

PATRICK CANNEY, sworn.

Was a member of Assembly last year. Recollects when the State Prison Act came into that body. I believe that there was a limitation in the cost of the building to the sum of $100,000; I also believe that the Assembly was of opinion that the $100,000 clause was in the Bill. I also believe that if this restricting clause had not been in the Act it would not have passed the House. Under this impression that the $100,000 limitation was in the Bill I voted against the Bill, as I did not think the State was able to embark into such an expenditure. Some objection was made to the passage of the law, and after it was passed Mr. Crabb gave notice of a re-considera-

tion. I believe he withdrew his objections to the Bill the next day. No member of Senate or Assembly urged me to vote for the Bill.

P. CANNEY.

Sworn to and subscribed before me, this 4th day of April, 1853.

J. W. COFFROTH,
Chairman.

[Document No. 53.]

IN THE SENATE.] SESSION OF 1853.

MESSAGE OF THE GOVERNOR

AND DOCUMENTS IN RELATION TO THE

CIVIL FUND OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

MESSAGE OF THE GOVERNOR

AND

DOCUMENTS

RELATION TO THE

CIVIL FUND OF CALIFORNIA.

EXECUTIVE DEPARTMENT,
Benicia, March 31st, 1853.

To the Senate of California:

In compliance with the resolution of the Senate of the 30th inst., requesting the Governor "to transmit copies of all papers in his department in relation to the collection and disbursements made of the civil fund collected prior to the admission of California into the Union," I have the honor to transmit, herewith, papers marked alphabetically from A to C inclusive.

A. Account current exhibiting receipts and disbursements made to the amount of one million and sixteen thousand two hundred and fifty-five dollars, and sixty-seven cents.

C. Letter of Captain H. W. Halleck, dated "State Department of California, Monterey, August 22, 1849," in relation to the Civil Fund.

D. Letter from Capt. H. W. Halleck, dated State Department of California, Monterey, October 8, 1849, in relation to amounts due the Civil Fund.

The reports referred to in the communication marked B cannot be found in this department. It is presumed, however, that they are on file in the

office of the Assistant Quartermaster General of the United States at San Francisco.

The communication of Gen. Riley on the subject of the Civil Fund, referred to in my special message of March 7, 1853, will be found in the appendix to the Debates of the Convention of California, page xli. The letter of Capt. Halleck, also referred to in the same message, will be found in the Journals of the Assembly, first session, pages 819, 820, 821, 822, 823, 824 and 825.

The attention of the Senate is respectfully directed to the papers herewith transmitted. A careful examination of them, it is believed, must satisfy you of the necessity of a thorough investigation, and that such investigation will at least establish the fact, that but a small amount of this fund has been expended in the organization and administration of civil government in California.

JOHN BIGLER.

(A) ACCOUNT CURRENT.

Civil Fund of California in account with Brevet Maj. R. Allen, Assistant Quartermaster, United States Army.

DR.

Sept. 30, 1849,	To amount of disbursements as per abstract, No. 1,	$7,374	12
July 1, "	To amount receipt of Major E. H. Fitzgerald, Assistant Quartermaster,	500	00
31, "	To amount transferred to Quartermaster Department,	25,000	00
Aug 31, "	To amount transferred to Quartermaster Department,	75,000	00
Sept. 8, "	To amount receipt of Brevet Major D. H. Reicker, First Dragoons,	100,000	00
" 30, "	To amount turned over to Quartermaster Department,	22,379	35
" 31, "	To amount of disbursements at San Francisco and Monterey,	129,566	21
" " "	To amount transferred to Quartermaster Department,	332,223	88
Jan. 7, 1850,	To amount receipt of Lieut. G. H. Derby,	900	00
June 30, "	" of disbursements 1st and 2d quarters of 1850, as per abstract,	25,295	94
Jan. 1 and Feb. 1, 1850,	To amount receipt of Major Leonard, Paymaster,	27,000	00
" 12, 1850,	To amount receipt of Lieut. G. H. Derby,	3,545	00
	" " transferred to Quartermaster's Departmemt,	267,472	17

RECAPITULATION

Of Cash transferred to Quartermaster's Department from Civil Fund of California.

July, 1849,	$25,000	00
Aug. "	75,000	00
Sept. "	22,379	00
Oct. "	75,000	00
Nov. "	125,000	00
Dec. "	133,222	88
Jan. 1850,	102,584	15
Mar. "	84,526	55
June "	80,361	47
	$722,074	40

$1,016,255 67

(A) ACCOUNT CURRENT—CONTINUED.

			CR.
July 1st, 1849,	By cash received from Brevet Major E. H. Fitzgerald, Assistant Quartermaster,		$315,684 21
" " "	By cash received from Capt. J. L. Folsom, Assistant Quartermaster, . .		4,613,25
" 31 "	By cash received from E. H. Harrison, Collector of San Francisco, . .		47,600 00
Aug. 31, "	By cash received from E. H. Harrison, Collector of San Francisco, . .		56,500 00
Sept. 30, "	By cash received from E. H. Harrison, Collector of San Francisco, . .		232,730 73
Oct. 31, "	By cash received from E. H. Harrison, Collector of San Francisco, . .		283,126 81
" " "	By cash received from Capt. E. K. Kane, Assistant Quartermaster, . .		63,803 55
Jan. 31, "	By cash received from Capt. E. K. Kane, Assistant Quartermaster.		50 00
	By cash received from Collector of San Pedro		12,147 12
			$1,016,255 67

(C) COPY.

STATE DEPARTMENT OF CALIFORNIA,
Monterey, August 22, 1849.

MAJOR:

In compliance with your request of the 18th instant, I transmit herewith copies of reports from Capts. Folsom and Marcy, and Lieut. Davidson, from which you will be able to ascertain the amounts due the "Civil Fund" from the Military Department of the Government. The sum of $6,200 transferred by Capt. Folsom to Capt. Marcy was for civil purposes, and has been accounted for by him as such.

The $10,000 transferred to Major Hardie was for raising troops in Oregon, but very little of it was so expended, nor so far as is shown by the records of this office, has it ever been restored to the "Civil Fund."

The $70,000 transferred to Purser Forrest was for paying the expenses of bringing emigrants from Lower California. The loan was made to the Navy at the request of Com. Jones, but how much of it was expended is not known.

Nor is it known that any arrangements have been made for refunding the sum of $3,560 transferred to Major Rich, and the sum of $200 transferred to Lieut. Warner.

All these items should be charged on your books as due the "Civil Fund."

It appears from Lieut. Davidson's accounts, inclosed herewith, that he transferred to the Quartermaster and Commissary Departments $19,804 50, but as his accounts have been sent to Washington, I do not know how much to each, nor the dates of the transfer. As Lieut. D. is in your vicinity, you can get these items from him. It appears from the inclosed copy of a letter from Capt. Ingalls, that he has received $896 70 of "Civil Funds" from the Collector of San Pedro.

It does not appear from the records of this office, that any authority or permission was ever given for the transfer, nor was it known here that the money had been so transferred till the receipt of Capt. I.'s letter on the 21st of June last. In addition to the items mentioned in Capt. Marcy's report, that officer has loaned from the "Civil Fund" the following sums:

1848, August	17, To Capt. Lanman, U. S. Navy,	. .	$50 00
" Sept.	30, " " " " " "	. .	60 00
" Oct.	13, " " " " "	. .	500 00
" August	30, " " S. E. Woodworth "	. .	100 00
', April	12, Col. R. B. Mason, Army,	. .	2,500 00

None of this money has ever been returned or accounted for, and it should

therefore appear on your books as due the "Civil Fund." The amount of "Civil Funds" in the hands of Lieut. Davidson, Dec. 31st, has been paid over to Capt. Kane.

Very respectfully,
Your obedient servant,
H. W. HALLECK,
Brevet Captain and Secretary of State.

MAJOR R. ALLEN, Treasurer, Benicia.

(D) COPY.

STATE DEPARTMENT OF CALIFORNIA,
Monterey, Oct. 8, 1849.

MAJOR:

It appears from Major Fitzgerald's accounts, that Capt. J. L. Folsom has retained the sum of $9,789 72 from the "Civil Fund," for which he has rendered no account. As no aothority was given him to retain any of this fund, the amonnt will be charged to him on your books.

It appears from the same accounts, that $86,460 34 was transferred to the Quartermaster's Department on the 30th of June last. It should be charged accordingly.

Very respectfully,
Your obedient servant,

H. W. HALLECK,
Brevet Captain and Secretary of State.

MAJOR R. ALLEN,
Civil Treasurer, &c.,
San Francisco.

[Document No. 54.]

IN THE SENATE.] [SESSION OF 1853.

REPORT OF JOINT COMMITTEE

ON APPORTIONMENT OF

SENATORIAL AND ASSEMBLY DISTRICTS.

[GEORGE KERR, STATE PRINTER.

REPORT.

MR. SPEAKER:

The Joint Select Committee of the Senate and Assembly, to which was referred the subject of apportioning the Senatorial and Assembly Districts of this State, under the census as taken by the State in the year 1852, having had the same under consideration, beg leave to report:

That owing to the very imperfect returns of the census agents appointed under the law of last session, and the entire absence of any returns from one of the most populous counties of the State, your committee have labored under some embarrassment in arriving at a correct constitutional basis of representation for the different counties. But deeming it the imperative duty of the present Legislature to apportion the State into Senatorial and Assembly Districts, they have taken the data of the white inhabitants in the different counties as returned by the census agents, excluding the nations of China, and all the Islands of the Pacific Ocean (except Australia), and have supplied the want of returns for the County of El Dorado, as follows: take the entire aggregate white population of all the mining counties, except El Dorado, to wit: Butte, Calaveras, Klamath, Mariposa, Placer, Shasta, Sierra, Siskiyou, Trinity, Tuolumne, Yuba and Nevada, 83,257; and the entire aggregate vote of these counties at the last general election 38,556; and then to determine the white population of El Dorado County, say as the aggregate vote of these counties is to the vote of El Dorado County, so is the aggregate white population of El Dorado County; this ratio gives to El Dorado County a white population of 24,271. This, your committee believe to be the only legitimate and equitable method of supplying the deficiency of census returns from that county. Your committee, after supplying the deficiency in El Dorado County, find that the entire vote of the State at the last general election is to the white population of the State as one to two and two-tenths, and for the purpose of correcting the errors in the returns in some measure, have increased the white inhabitants of those counties where the vote at the last general election is more than one-half the white inhabitants as returned by the census agents, so as to make the white inhabitants bear the ratio to the vote of two to one; by

this, Butte County has gained 1299, Klamath 398, Mariposa 110, Placer 3524, Shasta 576, Sierra 1488, Trinity 1212, Colusi 444, Napa 163, Sacramento 3638, San Joaquin 760, Sutter 233, and Yolo 203. After fixing the basis of each county, as above, and determining and agreeing upon seventy as the number of members of Assembly, and thirty as the number of Senators, your committee divide the entire white population of the State by seventy, which gives 2690 as the ratio for members of Assembly; and dividing the entire white inhabitants by thirty, gives 6278 as the ratio for Senators; and upon this ratio and basis have proceeded to divide the State into Senatorial and Assembly Districts, having regard strictly, as far as possible, to contiguity of territory, the ratio and white inhabitants as above stated. The following is the result of their labors. All of which is respectfully submitted, together with the accompanying bill, the passage of which is recommended.

R. T. SPRAGUE,
Chairman Senate Committee.
JOHN WALTON,
JOS. C. McKIBBEN,
JOSEPH WALKUP.

P. CANNEY,
Chairman House Committee.
F. A. SNYDER,
S. GARFIELD,
B. B. REDDING.

[Document No. 55.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

SELECT COMMITTEE OF FIVE,

APPOINTED TO ENQUIRE INTO THE EXPEDIENCY OF REPORTING A MEMORIAL TO CONGRESS ASKING A CESSION OF ALL PUBLIC LANDS IN THE STATE, TO THE STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER

REPORT.

MR. PRESIDENT:—

The Select Committee of five, appointed to inquire into the expediency of reporting a memorial to Congress asking a cession of all public lands in the State to the State of California, with proper restrictions, so as to secure to all actual settlers a pre-emption right to the lands occupied by them, not exceeding one hundred and sixty acres to each, and so as to secure the freedom of the mines to American enterprise forever, without rent or impediment, have had the same under consideration, and devoted to it such earnest attention as the great importance of the subject and the interest involved demand, so far as the same could be done in so short a time consistently with a due regard to other duties.

Some of your committee believe, that the public lands within the State are, without further action, the property of the State, under the Constitution of the United States and of this State.

The committee therefore do not advise the adoption of any memorial to Congress which will acknowledge the right of the General Government in these lands; but for the purpose of quieting any doubt on the subject, your committee have agreed upon a memorial on the subject, which they herewith report.

By the memorial we ask an acknowledgment of our rights to the whole extent; but if Congress cannot acknowledge these rights to the extent claimed by us, we then, without admitting any right in the General Government to the public lands within the State, ask that all the claim thereto be conceded to the State.

The reasons and arguments in support of this proposition are set forth in the memorial, to which your committee invite the attention of this honorable body.

The subject is one of vast importance. The rights demanded by the State are so essential to the proper equilibrium of the power of government, State and National, so necessary to the efficiency of State government, and so urgently required by the necessities of the people, they should be boldly urged, and that too without delay.

Your committee, therefore, press with great confidence the speedy adoption of the memorial and resolutions herewith presented.

All of which is respectfully submitted.

J. H. RALSTON, *Chairman.*
J. M. ESTELL,
B. F. KEENE,
STEPHEN C. FOSTER,
J. H. WADE.

MEMORIAL

IN REFERENCE TO PUBLIC LANDS.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the People of the State of California represented in Senate and Assembly, respectfully represent:—

That the true interest, prosperity and happiness of the people of the State of California, as well as the entire people of the United States, demand the speedy passage of a law by the Congress of the United States, granting to the State of California all the public lands within her limits, to be held and disposed of by the State, subject to such limitation and restrictions as public policy, strict justice, and enlightened reason may suggest, so as to secure to all actual settlers upon the public lands a pre-emption right to the lands settled upon and improved, not exceeding 160 acres to each settler, and so as to secure to all American citizens forever, free of toll, rent, charge or hindrance, the privilege of working in any and all the mines of precious metals in the State, and extracting therefrom any of the gold, silver, or other metals which may be found therein.

To demonstrate the true policy of government on this subject demands no lengthened argument. Truth told in simple language, rightly understood, will carry conviction to every candid mind. We therefore propose to present to the consideration of your honorable body some of the arguments and facts in support of the measure we recommend.

The rights of sovereignty and eminent domain possessed by each State, carry with them the right to all the lands, bays, lakes, rivers, water courses, and other property in the State not belonging to individuals, unless the State have yielded up that sovereign right, in whole or in part, to another. The people of California, left without government, formed a government of their own, endowing each department with such attributes as in their judgment would best promote their happiness, and secure to their successors and posterity the blessings of republican freedom and the protection of a wise and just government. Thus organized, and possessed of all the powers of a sovereign State, they asked and were

received into the Union on an equality with their sister States. They made no concessions of their powers as an independent sovereign State, except such as are required in the observance of the Constitution of the United States.

The right of the United States to the public domain within a State, did not exist in the early history of our Confederacy. It has been created since by compacts and agreements between the Federal Government and several of the new States. This State has never been a party to any such compact, nor does the constitution of the State authorize the compact to be made on behalf of the State. It cannot, therefore, be asserted that any such has been made by the consent of this State, or by her constitutional authority. As the United States does not derive this right either from the Constitution or from compact with the State, it follows that she does not possess it. The sovereignty, the jurisdiction, and the right to public property within the State, reside in this State as fully as it does in the State of Texas, or in any of the original thirteen.

As the United States has done many acts tending to show that she claims right to the public lands of this State, inconsistent with the sovereign dignity of the State, it becomes necessary for the State to assert her rights, and to ask, in distinct terms, an acknowledgment of them on the part of the General Government. If this acknowledgment should be withheld from us, then, without acknowledging any right in the United States to the public lands in California, we ask that her claim to them be conceded to the State. Such concession would advance the interest of both the State and National Governments, secure the prosperity and happiness of the people, extend and perpetuate the blessings of good government among men, and secure the triumph of justice, order, and national progress on both sides of the continent.

Many powerful reasons exist well known in this State, some of them less known in other parts of the Union, why this should be done.

We ask leave most respectfully to ask the deliberate consideration of these reasons by your honorable body, to the end that justice may be done to the youngest State in the Union, between whom, and the older sisters, we hope our happy confederative relations may be perpetuated forever, and to the end that progress, advancement, and success in all that is just, good, and great, (which are distinctive features marking the age and country in which we live,) may triumph in the land, and not be obscured by vain efforts to enforce upon us a land system beneficial elsewhere, but ruinous to the country if enforced here.

The political reasons, so forcably urged by many of our wisest statesmen and purest patriots, in favor of conceding the public lands to the States in which they lie, and of divesting the Federal Government of the political jurisdiction incident to them, exist here with greatly increased force. In addition to the vast patronage and the innumerable officers, agents and contractors engaged in protecting, surveying and selling, the public lands in the State, the General Government will possess four-fold greater patronage in this State than she ever had in any State containing an equal population. Our vast Indian frontier, our extended sea board, our numerous deep bays and secure harbors, our commanding commercial position on the Pacific coast, all conspire to give this boundless patronage to the Federal Government. If to this be added the patronage and power

which ownership of the public lands would give, the wise statesman, the pure philanthropist may well tremble for the safety of State institutions. They cannot stand before the all-pervading and overshadowing influence of the General Government. The Federal Government will exercise more power here than in any other State in the Union. The remoteness of the State from the central head of government, has always, and will we fear, forever hereafter prevent that power from being exercised in wisdom, with prudence and energy, for the interest of the country and the happiness of the people. We therefore submit, that the blessings of our Union will be more securely perpetuated, the purity of government better preserved, and the rights of all better protected, if the General Government would speedily and without reserve, surrender to the State all power and jurisdiction not required by the Federal Constitution to be exercised by that government. This would remove all jealousies springing from our two fold, complex, yet wise system of government, and leave the State clothed with the necessary power and jurisdiction to fill her mighty destiny among the States of the Union, in promoting the commerce, increasing the wealth and advancing the influence, physical, moral and social, of the whole. That this should be done, is as much for the interest of the States at large as for California—whatever benefits the one, is equally beneficial to the others, bound together as we are by indissoluble cords of sincere affection, with interests variously blended, each dependant on the other. The high considerations, wholly of a political character, urging this measure upon public attention, cannot be disregarded in this State, separated as she is by mountain barriers and extended plains, far removed from her sister States.

Other considerations, more special but no less powerful, demand full deliberation. The pecuniary interests both of the State and the Nation, and the prosperity of each, are intimately connected with the same. The State of California is indented by several wide bays; numerous rivers wind their way through the body of the State, bordered on either side by low valleys of swamp and overflowed land, extending generally to the base of the mountains. Innumerable small streams flow through the gorges of the mountains, and on the margin of these mountain streams are often found narrow belts of the richest valley lands. Small plats of good land, well adapted to agricultural purposes, are also found on the slopes and tables of the mountains, from the deep valley where vegetation is ever fresh and green, to the snow clad peaks, but separated from each other by desert wastes or lofty mountains.

The numerous private land grants, in general, front upon the ocean, the bays or the rivers, and extend back to the high lands. When they shall have been surveyed and definitely separated from the public land, and when the overflowed and swamp lands, the acknowledged property of the State, shall also be separated from other public lands, but little land will be left in the State fit for cultivation, except in the mountain country, and in the small winding valleys in the recesses of the mountains—not more than enough to supply to the State the quantity of public lands granted by acts of Congress to the States in which the lands lie.

By the law, the General Government must incur the expense of surveying all the swamp and overflowed lands. The difficulty of these surveys will make this work very expensive, and many years must elapse before

it can be completed. These surveys, when completely made according to law and to scientific principles, not conforming to natural divisions as formed by bays, lakes and other objects, will be useless to the State.—During all the time these surveys are being made, the State will be embarrassed, and unable to make a proper disposition for the reclamation and sale of the lands so as to make them useful and productive. The thousands of citizens now desiring homes upon them, must wait the movements of government in making unnecessary land surveys, and without the ability to acquire themselves a home in the State. In the meantime these lands, naturally the most productive in the world, will remain not only useless to the State, but a positive injury to the health of the surrounding country. As they now are, and must remain until reclaimed, they afford hiding places to wild beasts, and for all disorderly members of society, who in the hidden recesses of the swamps and tulé lands, may defy pursuit. If the extent of the dominion of the State over them were now acknowledged, efficient means for their reclamation and settlement might be adopted.—But if the United States shall continue to exercise dominion over the other public lands, the line separating them from State lands must long remain vague and indefinite, retarding the permanent settlement and improvement of the country. If the right of the State to *all* the public lands within her borders were admitted, efficient measures could at once be adopted to make these lands productive and useful. In time they may contribute greatly to the support of the dense population which is to fill the State. Their reclamation would be certain and speedy, if the rights of the State were defined and acknowledged to their whole extent. This would add greatly to the productive wealth of the State; it would promote good order in society, and give employment to honest industry in the useful pursuits in life, rendering the necessaries of life cheap and abundant amongst us.

If the measure we insist on were adopted, the United States would at once be relieved from the duty and expense of surveying the valley and swamp lands, and the State could immediately commence a comprehensive system for their improvement, and for increasing her own agricultural capacities, to make them equal to the growing demands of her rapidly increasing population. It would then be soon demonstrated that this State has agricultural capacities not surpassed by any other State or country.

It is the deliberate opinion of your memorialists that the private land grants, the overflowed and swamp lands, and the land donated to the State, will include all the agricultural lands in the State, except what may be found in the mineral and mountainous parts of the country. It follows, therefore, that the United States Government will have to survey the whole State, both in valley and mountain, and can only sell the lands in the mountain country. If only the agricultural lands, to the exclusion of mineral lands, shall be sold, and these at the minimum price, the proceeds of the sales will pay but a small part of the expenses of the survey and sale. The ownership of these lands by the Government will therefore be a burthen and not a source of profit, unless it is intended to lease or sell the mineral lands. Against this policy your memorialists do most solemnly protest. The vast extent of auriferous country, the uncertain and varied richness of the mines, the difficulty of access to many of them

and their scattered and secluded positions in the deep mountain gulches, render it impossible to execute any system of mining leases, so as to derive profit from them and do equal justice to individual miners. Without mentioning any other objections to this system, (many might be urged,) we think Government will never seek to establish it in the State.

The policy of selling the mineral lands is no less objectionable; they can never be sold to individuals without giving rise to a most stupendous and oppressive monopoly of the native and hidden treasures of the country. A monopoly of the mineral wealth of the country will oppress the masses of the people, and reduce them to a state of dependency and serfdom. It is opposed to the spirit of the American people, among whom the sentiments of equality and independence prevail over every feeling of a sordid kind; and if the mineral lands shall be sold, very soon American laborers will cease to work the mines, and capitalists will, in large companies, become the proprietors of the most valuable mines, to be worked by Asiatic serfs imported to the country for that purpose.

The mines should always be open to American enterprize; to encourage industry and preserve equality among all men. To quiet the public mind and to give assurance that this policy will forever be pursued, some definite action should be had by Congress, enabling all to know that they are authorized by law to pursue their daily avocations, and that the policy of Government will be steadily pursued for the benefit of the citizen.

This would give increased permanency and encouragement to extensive mining operations. If this be not done, doubt and distrust will still spread a withering blight over the land, preventing comprehensive and permanent investments in the mining operations of the country.

Shall the agricultural lands then in the mountainous and mineral portions of the State, containing minerals in a greater or less degree, and inseperable in their locality from the more productive mineral lands, forever remain the common property of the whole people, without individual right, possession, occupancy or title to them? This policy is opposed to public interest. More than one half of the entire population of the State reside in the mineral and mountainous districts where they cannot, if this policy be persisted in, own the soil upon which they live. This condition in life is inconsistent with the fixed sentiments of the American people. Their feelings of independence prompt them to become the owners of the soil on which they live. In this they have always been encouraged by our wise institutions. If they do not and cannot speedily become the owners of the soil, they will not be encouraged to incorporate their labor with it. The residents of mountainous and mining districts, therefore, often live in tents and wander from place to place as fancy may lead, without a fixed habitation or a home. This mode of life is alike destructive of the health and morals of those who are forced to adopt it. Society in time will have lost its high moral influence, and crime will become more general among us.

The restraints of government and the terror of the law will have lost their influence as men become more conscious of their far removal from the one and the power to evade or resist the other. The State, bound to enforce her laws and extend her just protection to every person residing

within her limits, will be unable to command the means of doing it effectively.

Lands and tenements are the most usual and practicable objects of direct taxation. In most States they constitute the chief source of revenue. If the larger part of the lands of this State on which a majority of the people reside shall forever remain the property of the United States, exempt from State taxes, the State will be unable, without oppressing other citizens, to maintain the ascendency of law, the purity of justice and the dignity of government throughout her whole extent. Our citizens in order to maintain their fidelity and virtue—their strong attachments to law and order—their dignity as freemen, and their purity as philanthropists—in order to encourage them to adorn and beautify their homes in the mountains where they choose to dwell—to cultivate the moral, social and intellectual virtues, embellishing mankind in their high state of refinement, must possess the dignity of *freeholders*. They must own the land on which they live. The gardens, the fields, the orchards and the vineyards which their industry ornaments, beautifies, and renders productive and valuable. When this shall be the condition of society, patriotism will triumph over indifference, law and order over anarchy and misrule, and industry and virtue over idleness and vice. The Government will be strengthened and sustained by the affections of the people, and internal order, prosperity and happiness will spread their blessings over the land. This is the consummation for which you memorialists most devoutly pray. It can be obtained only by the sale of the small and detatched parts and spots of agricultural lands in the mountains and mining portions of the State, in such a manner as not to deprive the citizens of their common right to the mines. The general survey of these lands, according to the laws and usages of the Government, will require many years for its completion. The time required will be much increased by the numerous high mountains and other natural obstructions. The survey, when made, will be liable to divide the few good spots or portions of land fit for tillage, so that they cannot be purchased without purchasing large quantities of the useless sterile plains or rugged mountains falling on the same legal sub-divisions. This is apparent to all who are familiar with the topography of the country.

This system of survey is not suited to the face of the country. If the permanent settlement of, and individual rights to the lands shall remain in *abeyance* during all the time the surveys are being made, no figures can demonstrate, or powers of calculation determine, the extent of injury such delay would cause the State. The expenses of the survey will greatly exceed the proceeds of the agricultural lands, estimating them at the minimum price. The United States, therefore, have no pecuniary interest in continuing to hold for sale any portion of the public domain of the State. She should not do it to the injury of the State Let all the lands be at once relinquished to the State, or in other words, let the right of the State to the whole domain within her limits be admitted.

The accomplishment of this grand and so much desired scheme, will relieve the United States Treasury from the heavy expenses incident to the protection, survey, and sale of the public lands. It will secure the dignity of this young State, and establish her legal and political equality with her elder sisters of the confederacy. It will enable the State to

maintain government, to extend her just power and her righteous influence over her whole surface, securing the benefits of enlightened, free government to all who come within her influence. It will secure the speedy settlement of the State by independent *freeholders*, no less identified with this State in her progress, prosperity and happiness, than of the whole Union. It will establish the character of the State, and speedily show to the world that California is no less distinguished for the variety, abundance and quality of the agricultural productions, than she is for the abundance, variety and richness of her minerals. It will greatly aid in establishing the ascendancy of California over the boundless commerce of the Pacific.

The measure recommended, will enable California to perform her important share of the work in constructing a great continental railway, uniting the Pacific with the Atlantic. This grand work when completed will bind together our Union by chains of affection, common sympathy and interest, forever bright and enduring.

The expenditures necessary for the construction of this work required in the State of California, will constitute a large item in the whole expenditure to be made. Well grounded objections exist in the minds of many eminent statesmen, to the construction of internal improvements by the General Government, within any of the States. These objections have heretofore checked, in embryo, many schemes of improvement by the Government within the States. It may defeat the progress of this grand national work for years to come, unless the frontier States, united by sympathy, interest and natural position, shall be enabled to take the initiative steps in this grand scheme of improvement. No other measure, we apprehend, will enable California to unite her mighty energies in the completion of this work. Donations of land or money to the State for this purpose, would be of little use, whilst a majority of her citizens, the real law makers of the State, are left by the Government without land of their own to dwell upon. To identify them with the interest and welfare of the State, you must enable them to have a fixed habitation and a well defined legal interest in the soil to be protected. Let this be done, and California will accomplish all that might or genius can accomplish, in advancing her own greatness and the glory of the Union.

Let it be distinctly understood, that the rights we seek to maintain or to acquire in regard to the public lands, will be held by the State for the use of our citizens, subject to the general principles of the pre-emption policy, long established in the United States, and so justly approved by the people. They will also be disposed of in part, for educational purposes, and other high national objects; but in the main, they are sought to enable the State to fill her own high destiny—to secure to every citizen the benefit of good government, and to prevent an undue ascendancy of the Federal Government within our State.

We desire also, for the benefit of the citizens of the United States everywhere, the joint declaration of both the State and National Governments, securing to them forever the perfect freedom of the mines of California. Such joint assurance would increase emigration, encourage industry and enterprise among American citizens in the State. It would enable the State to secure her mineral wealth for her own citizens, against foreigners who neither are nor can ever become citizens, who are annually carrying

to foreign lands large quantities of the mineral wealth of the State. It will give to the country full confidence and assurance that the mines will forever be free to American citizens, without discrimination or obstruction--a subject in which we feel the deepest interest.

We do most earnestly commend to you early and serious consideration, this great and weighty matter. The measure proposed is above all sordid price or monied value, in the blessings it will secure to the people, and in the strength, prosperity and glory it will secure to the whole Union.

All of which your memorialists most respectfully submit.

RESOLUTIONS.

Resolved.—First, By the Senate, the Assembly concurring, That the Governor be respectfully requested to forward a copy of this Memorial to the President of the United States, a copy to the Vice President of the United States, a copy to the Secretary of the Interior, and a copy to the Commissioner of the General Land Office, earnestly requesting the early attention of each to the same. And that he be further requested to cause copies thereof to be forwarded to each of our Senators and Representatives in Congress.

Resolved.—Second, That our Senators in Congress be instructed and our Representatives be requested to lay this Memorial before the Senate and House of Representatives in Congress, and to use their greatest exertions to procure the speedy adoption of the measure therein recommended.

[Document No. 56.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

SELECT COMMITTEE.

[GEORGE KERR, STATE PRINTER.

REPORT OF SELECT COMMITTEE.

Mr. President:

The Select Committee, to whom was referred "Amendments to the Constitution," and Senate and Assembly Bills, "recommending to the people to vote for or against calling a Convention to revise and change the entire Constitution of this State," have had the Bills and the list of amendments under consideration, and after making a further examination of the Constitution, in accordance with instructions given, respectfully offer the following brief Report:

It is acknowledged on all hands, that quite a large number of amendments to the existing Constitution can be made, with decided advantage to the government and the people. It is not denied that many of these amendments are positively required, and absolutely necessary for the protection of the interest of the State, and the preservation of the public faith. It is admitted that the present government is cumbrous and unwieldly, unavoidably extravagant and essentially onerous. It is not disputed that an alteration of many features of our organic law, will simplify the machinery of government, increase the facility of its operations, and regulate the uniformity of its action. It is conceded, that these numerous amendments will have the happy effect of ridding the State of an immense debt, and relieving the people of a burthensome system of taxation. What then is our duty, as representatives of the people? It is clear—it becomes our sworn duty, without further delay, to prescribe the best and most effective mode by which the required amendments can be made.

Two plans are proposed. Which of the two shall we choose? Shall we resolve this and the other branch of the present Legislature, and this and the other branch of the succeeding Legislature, respectively, into so many Conventions to revise the Constitution? Shall we have four Legislative conventions? Shall we, in our Legislative capacity, dictate to the people the precise number and exact character of the amendments, and say to them, "These you may vote upon, but none others?" The doctrine is emphatically anti-republican—the method is manifestly inexpedient. Would it not be more wise, liberal, and democratic, after Senators and Assemblymen have individually arrived at the conclusion that nu-

merous amendments are advisable and necessary, to afford to the people a fair opportunity to pronounce not only upon these amendments, but upon any and all other amendments *they* may deem necessary and expedient?

In the opinion of the undersigned, the people are entitled to the privilege of declaring whether *any* amendments ought to be made, and if any are required, it is also their right to settle the number and description of them. If the plan of specific amendments is pursued, we contend that the people are unjustly concluded from voting for any other amendments than those the Legislature may think proper to submit for their consideration and decision. On the other hand, if the question of "Convention" or "No Convention" is laid before them, and a majority vote "aye," it will manifest their belief that material amendments are desirable, and at the same time they will secure to themselves the privilege of considering and revising the entire Constitution. If they shall, in their wisdom, vote "No,' the question will be settled, and its agitation will cease. In either event, it will be the duty and the pride of every good citizen and true republican, to abide cheerfully by the will of a majority.

We favor all the amendments (with some modifications) embraced in the list referred to us, and could suggest many more of importance, but being opposed to the system of specific amendments, and feeling it to be our duty to declare our opinions adversely to it, we deem it unnecessary herein to enumerate all the changes in the Constitution, which every consideration of sound public policy dictates. Let the people pronounce "for," or "against," a convention, and if their decision is in the affirmative, let the entire Constitution be placed in the sacred keeping of their delegates, in convention assembled.

We have an abiding confidence in the honesty, intelligence, and patriotism of the masses, and do not fear to trust them.

We lack no faith in their ability to decide this question, we hold that it is their right to settle a matter peculiarly their own. We are unwilling to rob them of a privilege, inherited under the "law of nature and nature's God," and granted to them by the free institutions under which we live. We adhere finally to the republican doctrine, that "the people can do no wrong."

Honestly entertaining these views, we cordially recommend the passage of the Assembly Bill, to be entitled "an Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution" of this State, which is herewith submitted.

HENRY A. CRABB,
J. H. RALSTON,
J. H. BAIRD.

[Document No. 57.]

IN THE SENATE.] [SESSION OF 1853.

TESTIMONY OF P. CANNEY,

IN RELATION TO

STATE PRISON CONTRACT OF 1852.

[GEORGE KERR, STATE PRINTER.

TESTIMONY OF P. CANNEY,

IN

RELATION TO STATE PRISON ACT OF 1852.

PATRICK CANNEY, sworn:—Was a member of Assembly last year. Recollect when the State Prison Act came into that body. I believe that there was a limitation in the cost of the building to the sum of 100,000; I also believe that the Assembly was of opinion that the $100,000 clause was in the bill. I also believe that if this restricting clause had not been in the Act it would not have passed the House. Under this impression that the $100,000 limitation was in the bill I voted against the bill, as I did not think the State was able to embark into such an expenditure. Some objection was made to the passage of the law, and after it was passed, Mr. Crabb gave notice of a reconsideration. I believe he withdrew his objections to the bill the next day. No member of Senate or Assembly urged me to vote for the bill.

P. CANNEY.

[Document No. 58.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON EDUCATION AND STATE LIBRARY.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON EDUCATION AND STATE LIBRARY.

MR. PRESIDENT:

The Committee on Education and State Library, to whom was referred a petition from the President and Directors of the "Mercantile Library Association of the City of San Francisco," requesting the Legislature to donate a section of land to advance the object of the Association, respectfully

REPORT,

That the fundamental law of the State has already directed the disposition of the 500,000 acres donated to the State for the purpose of internal improvements, devoting the same to school purposes; and further, that a bill is now pending before the Legislature, to dispose of the swamp and overflowed lands belonging to the State of California, and it would be premature to attempt a disposition of any small portion, until some general plan be adopted for surveying and disposing of the same. The Committee, therefore, for the present, feel compelled to report adversely to the request; but suggest to the Senate the propriety of exempting the property of all such associations from the operations of the revenue law of this State.

All of which is submitted.

JOS. C. McKIBBIN,
Chairman.

[Document No. 59.]

IN THE SENATE.] [SESSION OF 1853.

PROF. JOHN B. TRASK'S REPORT

ON THE

GEOLOGY

OF THE

SIERRA NEVADA OR CALIFORNIA RANGE.

[GEORGE KERR, STATE PRINTER.

REPORT.

MR. PRESIDENT:

The Committee, to whom was referred the resolutions calling on Mr. Trask for such information as he may possess relative to the Geology of this State, beg leave to Report—

That they have obtained a valuable document, which treats of the Geological, and Mineralogical structure and character of some of the most interesting portions of our country.

The document, which we here present, is well worthy the consideration, not only of every member of this Legislature, but our citizens generally.

The General Government has been very dilatory in reference to such surveys and examinations as our State not only deserves, but is entitled to.

And in obtaining the information which is now placed in the hands of this Senate, we hope that the subject will attract the attention of those most interested in the development of the resources of this country.

We, therefore, recommend that 2000 copies of the report be printed, and request the Governor to forward several copies of the report and resolutions to the Secretary of the Interior of the United States, hoping that this method will draw the attention of the Honorable Secretary to the subject of a Geological and Mineralogical Survey of this State.

J. R. SNYDER,
Chairman of Committee.
JOS. WALKUP,
J. H. WADE.

Whereas, Any information connected with the Geology of this State, is of great importance not only to the miner, but to the *agriculturist*, and as an

opportunity is now offered through Dr. Trask, (a gentleman who has made a thorough examination of the mineral districts,) by which we may add to the very limited stock of knowledge upon that subject; *therefore*,

Resolved, That a Select Committee of five be appointed to obtain from Dr. Trask such information as he may possess relative to the subject, which if deemed of sufficient importance, will be reported to the Senate on the sixth day of April next.

GEOLOGICAL REPORT.

To the Honorable J. R. Snyder, Chairman
of the Committee on the Geology of the State:

SIR:

In compliance with the resolution of the Senate of the State of California, passed March 26th, 1853, calling upon me for such information in relation to the Geology of the State, as I may possess, I have the honor to transmit herewith the following report on the Geology, and productive resources of the State, that have fallen within the line of my reconoisances, which line is embraced within the 36th and 42d degrees of north latitude.

JOHN B. TRASK.

PREFACE.

THE object of this report is to present, in a concise manner, a sketch of the Geological Structure, Industrial and Economic Resources of the State, included in the above section named, and which comprises the Mineral Districts proper, as understood at the present time, and includes portions of the eastern valleys of the Sacramento and San Joaquin, and to the coast line within the 41st and 42d degrees of north latitude.

Personal observations were made during the autumn and winter of '50 and '51, and also of '52, and the entire line of travel was conducted for the most part on foot, for the better purpose of more critical examination.

Persons unfamiliar with the modifying circumstances affecting the general characters and positions of rocks, are apt to be often deceived in their perceptions respecting them, consequently, but little assistance can generally be obtained by inquiry respecting the peculiarities that may be present in the various formations.

This circumstance is sufficient to show the necessity of personal examination of Districts, in order to deduct legitimate and correct conclusions respecting them; and this course was adopted during the examinations that were made in nearly every case. In the remarks that follow in this report, I shall confine myself for the most part, strictly to the Geology of the District included, alluding to its Geognosy so far only as will be necessarry for an elucidation of the subject that may be under consideration.

Researches on the eastern slope of the Rocky Mountain chain will prove of little avail in this State, as we cannot form an opinion from the presentations there made in the various and similar formations of that chain, and more especially, when we find that these similar formations are commingled, disturbed, and changed, by rocks of widely different character and composition.

The necessity then, of studying closely each different group, will become apparent, and at the same time more complex and difficult.

GEOLOGY

OF THE

SIERRA NEVADA, OR CALIFORNIA RANGE.

The largest portion of the State of California, is comprised between the summits of two distinct ranges of Mountains, denominated the Sierra Nevada, or California Range of the Cascades,* and the Coast Range on the west, the more central portion is an extensive valley through which flows the two principal rivers of the country, the Sacramento and San Joaquin.

The equivalents of the California Range to the north, are the Cascades extending into Oregon; and its principal lateral spurs, as it approximates the parallel of 42d north latitude, is found in the Siskiyou Range, which separates from the Cascades at nearly a right angle near the line of 42° 20′, and pursues a tortuous course to within some eight miles of the coast, in about latitude 41° 40′ north, at which point it becomes completely merged in the coast line of mountains.

This spur forms the northern boundary of the Klamath river, as also a large portion of the northern boundary of the State; and which, with its lateral spurs, forms an interesting and important feature of this portion of the country.

The principal latteral spur of this range is given off near the line of 122° 50′ west longitude, and pursues a southwest course for sixty or seventy miles, and unites with a similar spur some eight or ten miles south of Mt. Shasta, which has its intersection with the main Siskiyou Mountains in longitude near 123° west; the Klamath river cuts these two spurs near both of the points designated. Within the triangular space formed by this junction, are extensive valleys, as the Scott and Shasta illustrate.

The Siskiyou range will maintain an average elevation nearly equivalent

* Sierra Nevada is inappropriate, according to Lieut. Wilkes' U. S. Ex. Ex., as it blends the principal with part of another.

to the *Cascade range* for a large portion of its course, and an elevation superior by at least one-third to the Sierra Nevada, within the same parallel. The highest portion of the range being found in Mount Shasta and Mount Read, within fifty miles of the coast.

These mountains partake, in a great measure, of the general characteristics of the Sierra, but in some points they vary in a material degree. In this particular, they become the more interesting, from the variability of the mineral characteristics which they present, and the prospective of other sources of wealth and economy which no part of the western flank of the Sierra presents. And allusion will be made to these points under their appropriate heads.

Mr. Tyson, in speaking of the California Range, very properly remarks, that "in Geological structure the Sierra Nevada resembles the Andes," and the analogy also holds good in being like the Andes, one great ridge, instead of a chain of ridges, such as constitute the Appalachian Range, and it is to this chain on the Pacific that we can look with any hope of success to the development of that article of great economic value, so necessary to the convenience and necessities of the growing wants of our State—mineral coal.

The altitude of the Sierra has been variously estimated, but its average height is probably within six thousand feet: while the coast range proper will not attain an altitude that will much exceed three thousand feet throughout its extent.

The formations which compose, for the most part, the western flank of the Sierra, are hypogene (volcanic) and metamorphic (changed) rocks: as these make up the greater part of the range, it must not be inferred (as has been done) that, from their similarity of composition, that their upheaval was simultaneous, for the strongest evidences exist that it was far otherwise.

In this, as in all other volcanic districts, there was undoubtedly long periods of quiescence—or a state, to say the least, that was comparatively quiet, occupying long intervals between the disturbing forces that were instrumental in developing this portion of the continent. The time that elapsed during the successive periods of elevation which have occurred, is beyond our utmost conception, and we arrive at the fact only through the medium of analogy.

But although there are periods in our geological history that exceed our utmost comprehension, still there are some evidences that disturbances have occurred at a comparatively recent date, even perhaps during the historic period: but this subject will again be alluded to in the sequel.

The characteristics of the volcanic rocks of our mountains are in most cases very uniform, but where discrepant features do arise in the hypogene or metamorphic rocks, it will often be found that local circumstances have exerted a great influence often in those modifications.

In illustration of this we will cite an instance. It is well known that talcose rocks form a large proportion of the aggregate of the plutonic series of this State. They are found in close proximity with the primary calcareous formation in many cases; in other instances, miles distant from the calcareous rocks.

It is a well known fact that intrusive dikes of trap, in passing through limestone, will change the calcareous formation to true talcose rocks:* and

* McCulloch.

this occurs in many instances within this State. Hence, we see that a lead of limestone may, under favorable circumstances, be made to assume the form of a volcanic rock, of which the talcose series is a member, and, as here shown, is also metamorphic.

This fact should always be kept in view in forming our conclusion in relation to any section of the mineral districts that may be under consideration, as injury and pecuniary loss would often be sustained in too hasty generalizations on a class of rocks so important as the talcose series of this county, as a source of wealth.

There can be but little doubt that the southern section of the country was in a state of disturbance long after the more northern section sunk into repose, and that for many ages volcanic fires exerted a wide and powerful influence throughout that district long after its emergence. As these fires died out, a long period of repose followed during which the land became inhabited by mamalians of various character and species, some of which were of mammoth size, as their relics at the present day attest.

During the age that these huge quadrupeds held their uninterrupted sway throughout the land, which was during the tertiary epoch, another convulsion which fully equaled the former, occurred, and through its fiery ravages swept from existence the entire race that occupied its surface and inhumed their remains beneath its scalding flood. Ages have since rolled by, and it was left for the toiling and industrious miner in his daily avocations to exhume from the bosom of the earth these scattered vestiges of the wreck of former ages.

We find the most ample evidence of this state of things after passing the Cosumnes river and as far south as the Tuolumne, beyond which as yet no vestige of these animals have been found.

From all the attendant circumstances it appears that during the period of repose, a large portion of the southern district was covered by water, (probably fresh,) in the form of lakes, and that these animals inhabited their borders. Their remains are found in the diluvial drift at the depth of ten to twenty feet below the surface, and this is covered in most part by a volcanic tufa, the product of recent volcanic action.

The other fossils which have been found in these districts are such only as occur among primary limestone and consist of algae, (a sea weed of the lowest order,) which leads us to the conclusion that the rocks which now form the dry land of the interior were formerly submerged beneath the ocean, and have been elevated to their present position through volcanic agency exerted through long and successive periods.

The district of country between the Cosumnes river and the 40th degree of north latitude, has strong evidence of having been the first that emerged from the ocean, but though the primary section, it presents most indubitable traces of subsequent rupture; it probably occurred during those periods when the south was in a state of extreme activity, and must have played an important part in modifying the contour of the country.

These subsequent changes have undoubtedly been much less violent than they otherwise would have been from the opening of two volcanic vents in the northern section near the head waters of Feather river, and in the summit proper west of Noble's pass. One of these was in action January, 1850, and discharged a current of lava which had not cooled in 1852.*

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* Seen also by D r. Wozencraft.

The evidence of subsequent disturbance was proved beyond a doubt, by the examination of many of our quartz veins. The occurrence of what is termed the slickensides in many of these veins, affords us the data on which to found such a conclusion.

The polished surfaces of these veins for scores of feet in extent, not only indicate the fact of this disturbance, but the striated surfaces point most indubitably to its course and direction. These stria and slickensides may be seen at Union Town, El Dorado county, in the Marthenus mine, to great advantage; also at Washington and Georgia mines, Quartzburg, Mariposa county.

The district of country lying north of the 40th degree of north latitude, much resembles in some particulars portions of the south; but it presents withal strong evidences of greater antiquity than the southern, in many of its parts: and portions of it were probably contemporaneous with the district south of forty degrees, although there is no probability that all of that section can claim contemporaneous origin, for if it did, its formations should in some degree correspond; whereas on examination, we find discrepancies that would seem to warrant us in referring them to another period.

A convenient way, then, would be the arrangement of the mineral district into three classifications, making in these such subdivisions as may be necessary, and under this plan they would present themselves in the following order:

First—Primary or central districts, included between latitude 38° 30′ and 40° north.

Second—The northern district, included between 40° and 42° north.

Third—The southern district, included between 38° 30′ and 36° north latitude.

I feel fully confident that whenever this State shall be authoritively examined, that a similar arrangement will be made, both for convenience and elucidation.

Under this arrangement, then, I shall speak of the various districts in the order in which they occur.

FIRST PRIMARY DISTRICT.

This name may be applied to this section with strict propriety; first, from the character of its rocks, and secondly from their distribution and association.

The rocks that compose this district are for the most part primitive, in a geological sense, being composed of granite, porphyry, trap, and other allied rocks, among which the serpentines form no unimportant part.

The rock that first emerged was undoubtedly the granite, which was ejected from beneath and protuded through the slate, and in many instances presents all the appearances of having flowed over the sedementary formations; in other cases it is protruded as a single dike, often of miles extent, with lateral veins extending into the adjoining rocks.

There is every reason for this supposition being correct, and but one illustration will be necessary in elucidating it. It is found on examination that the *older* granite, which forms by far the largest part of this

formation, is cut through and disturbed by almost every other intrusive rock, while of itself it cuts through none, except the older argilaceous slates, which are of aqueous origin.

It must not be understood by this, that all the granites of the State are of this class, for it is far otherwise, as we have full three distinct series of rock in this country, with corresponding ages; and each of the other two have been instrumental in a great degree, in causing the disturbances observable in the primary formations.

Next to the granite, in the primary district, the trapean rocks form an important feature in the character of the country, and occupy a much larger area.

They are composed principally of the greenstone, trachytes, basalt, and porphyries, and it is to the intrusion of this group, that the uneven and rough features of the country are attributable in a great measure, and are interesting in a geological point of view, and would in a more elaborate report, demand more attention than our present limits will permit. Allusion to their effect on other rocks will be made under the head of mining.

The next class that claims our attention is the metamorphoric (changed) rocks, many of which through agency of volcanic heat have become true porphyries; they are largely dev. loped on the banks of the rivers of the country, and a great source of annoyance to miners engaged in river mining, as they are extremely tough and difficult to break.

Closely associated with these are occasionally veins of the original clay slate, from which these porphyries have been formed, holding different grades of induration, passing from a fissile clay slate into a compact rock, often in the distance of a few yards.

The serpentine rocks are the next in order of the volcanic group; they are generally intrusive rocks, and are widely distributed throughout the country, and many of them present distinct lines of stratification. They have received different names from the different forms they assume; some of them being true shales, of various thickness, consistency and composition. But all of them, in whatever form they may be found, have but the one origin, (volcanic,) though they may receive many modifications from subsequent causes.

These rocks, when found in the form of slates particularly, are entitled to more consideration than has been bestowed upon them by the mining community, as repositories of the precious metals.

It is to this class of rocks that we are in a great measure indebted for those valuable deposits of gold which the slate contains, as well, also, as the auriferous quartz veins with which they are so frequently combined. It was on these rocks that one of the greatest geologists (Mr. Dana) of the age based his opinion on the probable value of this State as an auriferous district long before the discovery of gold, and subsequent time has demonstrated how correct and just were his opinions; and yet public opinion, even at this time, has neglected to take cognizance of this class of rocks, so far only as accidental circumstances have thrown them in their way. I think that no hazard would be incurred by expressing the opinion that this class of rocks will be found, in many cases, the prolific sources of wealth in the future, equalled only by the auriferous quartz, and excelled by none. This class of rocks, or those known by the name of chlorite, which is but a

variety of this group, is represented in Mariposa County, at the locality known as Bear Valley; and a sufficient illustration of its value, will be found in the excitement that prevailed on its discovery. Mariposin Creek, four miles south of Stevenson's Bar, Tuolumne County, and river, is also another point at which they may be studied with advantage.

This is but two of many instances in which the auriferous deposits have been developed in this class of rocks; and when found, it is as much an integral of the formation containing it, as the thread of gold that permeates the vein of quartz.

In addition to its containing gold, as an integral part, when associated with the veins of quartz, it frequently becomes the retaining medium of this metal when in contact with those veins. Hence has arisen much loss to parties who have engaged in that later branch of industrial employment, from the neglect of attention to this important point; but we shall advert to this point more particularly when the subject of Quartz Mining engages our attention.

The sedimentary rocks of this district are of three Kinds: 1st—Argolite Slates, (clay slate;) 2d—Conglomerates, (pudding stone;) 3d.—Sand Stone: the two last occupying the smallest area.

The argolite formation is evidently the most recent of this group, and in some parts of this district is fossiliferous,—this being the only point of importance attached to it, and this only in a scientific point of view, as a matter of economy or practical interest it will not, therefore, claim our further attention.

The principal localities in which it is found to contain imbedded fossils, are upon the Bitter and Chinn Creeks, and near Rich and Reeve's Bars on the first named creek, and the fossils are of the *Miocene* period, and the bed of said stone rests on a metamorphosed slate, which is in some parts porphyritic.

The argolite rocks of the district will command more of our attention than either of the other members of this group; first, from its superiority as a member of the group, though it is inferior as to position. The degradation of these rocks, form an important feature in the characteristics of the valley bottoms, and a sparsity or surplus of its debris, would, as a consequence, enhance or diminish the capabilities of the soil for agriculture; hence an attention to a consideration of the valley systems is imperatively demanded, in order to form a correct estimate of the capabilities of the soil in the great branch of national wealth, and prosperity—agriculture.

When the necessary considerations are instituted to develop this desirable end, we shall find that those portions of the valley's that are for six months of the year a semi-desert, and unfit for the habitation of man or beast, can be made, by the use of proper measures, to produce the cereals in as great abundance and profit as other localities, apparently more favorably situated. Under the head of agriculture, this part of our subject will be more fully considered.

The distribution of this series from the foot hills to near the summit of the range, is but a proof of the influences it has, and still exerts in modifying the general [illegible] of the country. Its universality throughout the mining sections, either in sitû or in the form of debris, points to the important part it has played by the retentive principle it contains in preventing the

wider dispersion of the golden deposits of our hills and rivers; and it has been suggested, within the past year, that a large portion of this group will, at some future day, be mined for the gold they contain, mechanically, as well as other rocks that contain this metal as an integral. How soon this may take place, it would be improper to suppose at this time, but the premises on which the suggestion is based, are tenable.

The conglomerates of this district will next be considered. These rocks toward the valley appear to be co-extensive with the argelite, and from their position, it is inferred that their formation was posterior to the slates; in the more mountainous districts they appear in isolated masses, and in small patches, rendering their study less certain. In the lower foot-hills, in many places, the group in *situ* is wanting, and in its place low rolling gravelly hills are the only vestiges that mark the localities it formerly occupied. The causes of this absence in the group is found in the outcrop of heavy masses of trapean rock near the borders of the valley in these sections.

These older conglomerates have but little interest connected with them, further than geological position is concerned, except the modifying influence they exert through their debris on the formation of the valley sections; but there is a belt of these rocks in other parts of the country that will be entitled to much more and particular consideration.

Having now described the principal rocks of the primary district, we will now pass to the consideration of the rocks of the northern district. To avoid repetition, in our subject, in relation to its rocks, we will now state that in addition to those noticed in the primary, the northern section contains some few that should command attention in an economic view, so far as relates more particularly to their prospective value.

The first of these rocks that will claim our attention, is a hard silicious rock known by the common name of mill-stone, but in technical language *Buhr-stone*. This rock abounds on the Pitt river in large quantities, and also on to the north of Goose Lake, its admirable adaptation to milling requires no comment. The value of this rock cannot be too highly esteemed in this State, where the prospective is so flattering of its becoming a grain growing country, equalled by few on the Atlantic slope. The heavy expenses that are now incurred, and the future wants of the State in this particular will be obviated, and our dependent condition on foreign import destroyed. These rocks have, as yet, attracted little notice, but the rapidly increasing wants of the State will ere long bring them into requisition. In addition to the buhr-stone of this district, this section of the country contains some few traces of the secondary rocks, a suite almost entirely wanting, with this exception, in this country, so far as at present explored.

The existence of any portion of this suite should command our every attention, and any measure that will be likely to develop this formation, or any part of it within the limits of this State, should meet the approbation and support of the community at large. The importance attached to this group, at the present time in this country, is found in the fact, that it is to this suite that we must look for a home supply of the mineral coals, if ever found within the limits of our State.

As these rocks, (in form of secondary conglomerate,) have exhibited themselves in the northern districts, and in those parts of the section most immediately connected with the coast line of mountains, it is to be hoped

are most abundant in the older system of rocks, but this is not always the case.

By close examination of the mining districts of the world, our best geologists have announced the fact, that rich metallic districts are dependant on the proximity of igneous rocks and axes of disturbance among sedimentary formations, and every subsequent observation has tended to confirm this theory.

On comparing metallic accumulations among the igneous rocks, it is found they are most abundant in the underlying porphyries, amygdaloids and trap rock, as well also the syenites. This condition, and the probable value of these rocks as a future source of wealth, will be fully comprehended when we observe that the metalliferous regions of the Andes are of this same character, and the outbursts of trap through its tertiary formations, are but a simple illustration of the condition of our own.

The second point of general importance, in relation to these rocks, is their value in modifying, from their composition, other earths with which they may be combined. Too much importance cannot be attached to this point, for it is through this agency that a large portion of our soil is rendered valuable for agriculture, and I hope I may not be charged with sectional feeling when I say, that in this lies one of the grand secrets of the superiority of the bottoms of the southern sections, coupled with the debris of the calcareous formations which also lie to the east of these valleys.

The next important volcanic products that will claim our attention is the large extent of volcanic tufa that covers superficially an extensive area of country in its aggregate.

This tufaceous deposit becomes most fully defined as an overflowing mass on the ridge that forms the south bank of the Mokelumne, and is found in nearly all the districts to the east and south as far as the Stanislaus. It was very properly denominated a volcanic brecia by Mr. Tyson, on the first named ridge, though in other sections it loses this character. This deposit covers the diluvial drift in many places, as well also the large mammalian remains that have been exhumed within the last two years. It is interesting and important, as it points to volcanic action at a comparatively recent date.

Since its deposit, strong floods have operated in these sections, (which were probably pent up waters, forming lakes in the interior,) as the outliers of the surrounding hills fully indicate, as well also as the extensive table-lands that formed its shores. The towns of Vallecito, Murphy's, Douglass' Flat, and the vicinity of Sonora, furnish most admirable examples of the former existence of lakes in these sections. This tufa overlies the drift that contains the auriferous deposit of these placers, to the depth, in some cases, of one hundred feet, and even greater.

Primary Lime-stone.—Notice of this rock has been deferred until this time, from the fact that it occupies a much greater area in the southern sections. Its extent may be said to be included between the American and Merced rivers, and following a line deflected but a few degrees from the parallelism of the chain, this line is not continuous, but is broken at short intervals, at times by the intrusions of volcanic rocks, at others being covered by alluvion in common with the covering of the hills.

Its situation appears to be not far from midway between the foot-hills and summit proper of the range.

This suite of rocks has been traced in many points, and a highly remunerative business is now conducted in preparing lime for the market, and its finer qualities for ornamental architecture. This formation is capable of producing varieties of marble that it will be difficult to excel from almost any part of the world. The town of Volcano, Calaveras county, affords a wide field for operation in this branch, and the beauty of the Ringgold marble requires no comment at this time.

There are many other places, too numerous to mention, in which a profitable business can and will be conducted in this branch of industry. Some portions of the more northern sections contain this rock in quantities sufficient for all the probable prospective wants of these sections. It is found in the Yubas, near the Slate range, and on the Feather River near the Rich Bar, and Sucker Ripple; and also in other localities in these districts. The Salmon, and other streams in the extreme north, also furnish it.

The southern district contains also a very recent conglomerate, the disturbance of which was, probably, attributable to the more recent convulsions that have been in action in these sections. It possesses but little interest, further than the testimony it may furnish, in a scientific view, in elucidating the early and later history of this portion of the continent; it will, therefore, be dismissed with this brief allusion.

Recent Sandstone.—Between the Merced and Tuolumne rivers there exists a bed of recent sandstone, which is, probably, nearly or quite cotemporaneous with the last named conglomerate. This formation underlies the principal portion of the ground between those two rivers for a long distance to the west, hence during the rainy season this district is much more firm and dry, and it is a point eagerly sought for by the teamsters at this season, and for the most obvious of reasons. It finds a place in this report more for the purpose of illustration, than otherwise, and also as a recuperative agent for some points of the adjoining districts, to be spoken of under the head of agriculture.

In review of the subject before us, we find that there are evidences of at least three successive periods in which this portion of the continent has been involved, the three periods of upheaval being interrupted by long periods of repose.

In the *second* upheaval the larger portion of the extreme northern district was developed, which was, probably, nearly contemporaneous with the development of the south. A long interval of equiescence is here manifest, during which the land became inhabited by mammals of varied species.

In the *third*, we find that these species were obliterated, and their remains lie buried beneath the evident causes of their destruction.

Fourth. The granite appears to have been the first of the volcanic group, and that it broke through the slate. The other trapean rocks appearing within the latter part of the first period.

Fifth. The older granite appears disturbed by more recent rocks, as well also as by more recent granites of the same species. In this particular the granite suite resembles the Heidelberg, presenting three distinct veins of different ages.

Sixth. The serpentine rocks—many of them appear to have been cotemporaneous with the second period of disturbance, as is shown by their cutting through the older rocks.

Seventh. We are led to infer from the manner in which the trapean, and other volcanic rocks, have forced their way through the sedimentary formations, that these rocks must prove metalliferous, as analogy and experience have proved in other parts of the world. Time will not permit to discuss the local geology of the State in a separate and distinct subject; it will, therefore, be considered under the head of mining resources, which we shall now attempt to elucidate.

MINING RESOURCES.

Under this head will be included all those branches of employment within the district alluded to, as well also as those which must, from the nature and attendant circumstances, find a place in the history of our resources.

First in order will be the mineral lands, or those which contain gold. These will be divided into two classes: First—Those at present occupied; and Second—Those unoccupied, and, from present circumstances, unavailable.

The first class comprehends all those lands within the mountain districts which are situated on the rivers and higher valleys, also in the ravines and mountain gorges of the western flank of the range.

The range that they occupy through the country may be approximately stated to be not far from fifty miles in breadth by about three hundred and sixty in length; a small proportion of this, however, can be considered mining ground—probably about one-third. Within the mining districts proper there are large quantities of land which are known to contain gold, and in quantities sufficient to warrant considerable expenditure of capital for the purposes of mining in future. These lands are not, at the present moment, available, from the want of that necessary agent, water; and it remains but to be seen that capital investments in hydraulic operations in this country is a safe and profitable source of income, and the unemployed moneys of the Atlantic States, Europe, and our own State, will seek and find a ready market in the various branches to which this source of profit will give rise. A longer period than the present year will not be required to demonstrate this fact, either for good or ill. The present year will be productive of results that cannot fail to convince the most incredulous of the value of those untouched resources of which it has been our pride to boast, and in the full consciousness of truth. Nearly all those companies that are at present in but partial operation, have demonstrated the utility of the system; and from what we have already seen, even in their immature state, we may confidently anticipate what the future will be, when those operations arrive at completion. Should they prove of one-half the value they now promise, the area within the mineral districts proper that would be open to those operations, now unemployed and useless from the want of water, and which are known to contain gold in profitable quantities, will nearly equal the present area employed.

It will require then, on these premises, no great tension of the imagina-

tion to discern, that within the next two years our mining sections must contain a population full one-half greater than they at present occupy. This estimate is exclusive of those discoveries which have been made within the last six months, and which only confirm the opinion formerly entertained, that the placers existed in sections remote from those now known. These later discoveries are situated mostly in the northern district, and the only obstacle presented to their profitable occupancy is large numbers of hostile Indians in these vicinities, particularly in and about the regions of Pit river. It will be sufficient to state, that the unoccupied placers within the mineral districts proper are co-extensive with the mineral range now occupied. This unoccupied mineral land may properly be divided into two distinct sections, and to this second section we would now call your attention.

SECOND SECTION.

This district of county is situated in the lower foot-hills, and immediately on the eastern edge of the valley, it maintains a very uniform width of about four miles, and is almost uninterrupted throughout the principal portion of the valley district. A large part of the mineral section of Sacramento County is a true example of these sections, though the principal range alluded to is a short distance west of those parts in which mining operations are conducted in this county at the present time.

This district is strongly marked throughout its entire extent, and the transition either from the valley or mineral district proper is such as cannot fail to attract the attention of the most careless traveller in passing over it. It will recur to the mind of every one who has passed from the rivers of the interior, that at the distance of some twelve or fourteen miles from the streams, that you enter very suddenly a district thickly covered with *angular* pebbles of quartz; the district is scarcely less than two miles in width in any part of it, and in some localities much wider. On reaching the eastern verge of the valley, the transition is equally sudden as in the first instance: the *angular* pebbles disappear, and a few round pebbles, mixed with alluvion, replace them, for a short distance, which is immediately succeeded by the outcrop of what has been denominated the "*graywacke* slate, from the appearance they present of a ruined churchyard, in near all the lower hills on the eastern edge of the valley. From what the author has seen of this district, I feel no hesitancy in saying that it must in a few years become the field of busy and extensive mining: and I think this opinion will meet the concurrence of those persons who are intimately acquainted with the localities named, and engaged in these operations at the present time within their limits, although these operations are comparatively limited at present. Rhodes' Diggings, Sacramento County, and Ousley Bar, Yuba County, are on the eastern verge of this range, and Neal's Diggings, on Butte Creek, Butte County, also, and to those who are acquainted with these localities we would respectfully submit the opinion advanced.

It is not to be understood that this section of country will prove so highly productive in a short space of time as the more superficial and richer deposits of the interior sections, nor can it be with any degree of propriety expected. But as a compensatory principle they will possess the double advantage of being much more accessible and yielding a lower but far more continued

muneration for labor, and a surer prospect of success. A more healthy and stable condition of the mining population will be the result of bringing these lands into successful operation ; a desideratum much desired in this country.

QUARTZ MINING.

This subject will next claim our attention, and our brevity on the subject will be found in our limited time.

In speaking of the rocks that compose our mountains, this formation was intentionally omitted, and a brief description of this group, therefore, will be given at this time. The quartz formation forms an important point in the various groups that abound in this country ; not so much in proportion of its masses, as they are small when compared with almost any other member of the plutonic series. The comparative range of country which they pass through cannot be considered as amounting to more than one twelfth (1-12) of the width of the mountain range. The area that it occupies is also very small, compared to the rocks they pass through, being composed of small veins and dikes, cutting other formations, both igneous and sedimentary. The largest masses of the rock is found in the form known as *dikes*, which are at times nearly continuous above the surface for miles, in other cases interrupted on the surface at short distances. The largest dike ever observed by the author did not exceed forty yards in width, while the principal formation adjacent, and through which it passed, was nearly as many miles. It must not be understood by this that the amount of its aggregate is trifling, except in a comparative view to other formations, for its veins are found in most of the other rocks of the country, and as variable in size as in numbers.

The rocks throughout the country present many and distinct phases. On close examination they are found to be a disturbing and intrusive rock, while in other cases a feature the reverse is presented, they being disturbed by other rocks ; and still another feature is often present, and frequently in the same locality ; thus it is, that some veins appear to have been unaffected, while adjacent veins are much disturbed and broken down.

With these premises before us, it would seem impossible to refer the entire group to one period, for the facts presented would remain unexplained, while many of the attendant discrepancies that have attached themselves to those operations which have resulted in loss and disappointment to the adventurers in this branch of mining, will in a great measure be found referable to these probable differences in the ages of these rocks.

I flatter myself that this opinion will be sustained ultimately, if not at present, by the community at large, and by scientific miners of other countries, as well as by subsequent examinations in this country.

The opinion that all metallic veins are referable to one age, which was formerly entertained in England, is fast losing ground before the march of scientific research, and the practical miners of this country now study the relative age of the formation, and form their estimates of its value very much on this basis.

It is found that there are eight distinct series of veins in some of the mining districts of England, and that these veins vary in value according to their relative age and position. It is made a practical point of examination be-

fore entering on mining speculations in this country, to ascertain the relative age of a metallic vein before entering in the enterprise of extensive operations. We would, therefore, suggest the following proposition in relation to the auriferous veins of this country.

That the value of these veins will be found in the relative age which they maintain to the rocks with which they are found in connection, being modified as their passage is found to be through igneous or sedimentary rocks.

This suggestion is made, in the hope that less disappointment may be experienced by those who seek a profitable and laudable employment in those branches of industry, and also to check, in some measure, those hasty and inconsiderate generalizations that once promised to blast the most brilliant prospects of the State. Two years since, this opinion was maintained and also made public, and the estimate then made of the probable fate of a large portion of those who had embarked in these speculations was predicated, in part, on these grounds. How far that prognosis has proved true, the public can best judge. Another, and an important point in this subject, is the association of the metal with other minerals in the vein. A large portion of the gold in these veins is frequently combined with other minerals, most of which are of a compound character—as the oxides of iron, and also its sulphurets, (pyrites).

It must be seen then, that one general and indiscriminate treatment of ores must not only prove annoying in the results that are obtained, but highly disastrous in the extraction of the metal, for the process that would relieve the metal in one case, would only serve to fix its investing matrix more closely in the other. Hence has arisen much of the discredit to this branch of mining and pecuniary losses. This has been sustained from the neglect in making the necessary selections of ores from the same vein, and applying the same treatment for each variety. The experience in this branch of mining of the past eighteen months, has demonstrated too truly and sadly that those methods heretofore adopted cannot be pursued with profit, but on the contrary, that certain loss must be the result of this system, too hastily entered upon, and too thoughtlessly pursued in whatever branches of industry it may be applied.

But from the failure that has been experienced in this case, it would be unjust ever to infer that these metallic rocks do not possess the equivalents of wealth that a reasonable estimate has placed upon them, by men whose judgments have been unbiassed and unswerved by the over-heated infatuation that has too often prevailed here, and elsewhere, in relation to this subject. The best proofs of fast returning confidence in these richest of our resources, is found in the large amounts of foreign and home capital that is now seeking opportunity of investment in them, showing most clearly, that the denouncements that have been piled upon them were based upon false premises, and are so considered abroad. In addition to this, a local demonstration goes to support this position, and exerts a wide spread influence, which serves to give weight to the above. It is known that parties who have suffered severe losses by embarking in these operations, still feel confident of success, and still hold those veins, feeling fully assured of their real value, although with their present means they are unable to proceed at the present time with success.

There are but few of these veins that can be purchased from the original

holders, for anything like moderate prices, and those that are in second hands, are equally firm. No true barometer of public opinion can be found of their value than is indicated even under such apparently depressed circumstances.

The next metal that will engage our attention is

PLATINUM.

This metal appears as widely distributed as gold, there is scarcely a section of the country, in which gold has been found, but that this metal also has been discovered. This fact would lead us to suppose, that from the commercial value of the metal in its crude State, being about one half that of gold, that it may at some future day be sought for, as an article of commercial export, among the exhausted placers of the country. It is to be regretted that a more intimate acquaintance with this metal, among those engaged in the mining districts, does not exist, as I feel fully confident that the value of our mines would be enhanced nearly 25 per cent. by its collection.

A description of the metal would not lead to its detection, as it is so frequently combined with other minerals that closely resemble it, and would be easily overlooked. We shall, therefore, dismiss it by noticing the localities where it has been observed.

It occurs on Salmon river, in the drift that contains the gold, in small round grains of a steel-grey; also on the South Fork of the Trinity about eight miles from its junctions. On Butte Creek, near Reeves' Bar: On Honcut Creek, imbedded in gold, between the North and South Forks, and also in the placers between there and Feather river. On Cañon Creek of Butte County; on Middle Fork of American river; on Calaveras river associated with small garnets in the drift; on Wood's Creek; at Gold Flat, Nevada, with iridium and osmium, and small crystals of rutile at the bot- of the shafts.

This wide dispersion of this metal, through this country, would indicate that at some future day it may be made a source of profit.

SILVER.

This metal has been found in several of the mines that have been opened in this State, all of them, thus far, situated in the southern district. It was first met with in a distinct vein, running parallel with a vein of gold, in the South Carolina mine, at Carson Hill. At this place I obtained a fine specimen. I was informed of its being found in the Old Dominion mine, beside the above, and north of it, and also in the Relief Mine, south of it. The New York Mining Company, on the opposite side of the river at Eagle Hill, was the next in which it made its appearance. At the Chilean Mine, two miles north Columbia, it occurs, associated with copper and gold in quartz in the form of sulphuret; also Frazer's mine, twelve miles east of Sonora, with galena and zinc-blende in the same rock. At these localities it is generally disseminated through the quartz.

At the Washington and Georgia mine, Quartzburg, in Mariposa County, I observed this metal in the form of ruby-blende in the vein-stone containing the gold, and when the metallic gold appeared, it was a little lighter in color than common evidently from a slight alloy of the two metals.

This metal in other countries has proved a great and important source of wealth. From its casual occurrence in our mines, and its evident tendency of increase as you advance south from the Stanislaus, there is just reason to hope that it may, in this country, become the source of wealth and profit.

COPPER.

This metal is much more widely distributed than the silver, through the western flank of the range. Commencing on the extreme north, it is found on the North Fork of the Trinity, a short distance from its confluence with the main stream, in a metallic state, in crystals and masses. The vein cuts both sides of the river, but its entire extent is not known. Vitreous copper is found adjoining, and also malachite. It occurs on both the Middle and South forks of Feather river, in the form of carbonate; also between Nevada and Grass Valley, near the Half-way House, and in many parts of the southern mines. I cannot speak with certainty in respect to the ores of this metal in the coast range, having never seen them; but judging from the character of the ores which have been brought from there, we feel warranted in believing that it exists in large quantities, but subsequent exploration must alone determine this point. The varieties of ore which we have seen from those sections, are of that character that would make their reduction easy, if they exist in sufficient quantities to warrant investment.

CHROMIUM.

I would invite your attention particularly to the ores of this metal, inasmuch as from its appearance in large quantities in some sections of the State, and the extensive distribution of the serpentine rocks to which it is also incident, we may expect, with a great degree of confidence, that it will be largely developed within our borders. It is an article of great commercial importance throughout the civilized world. Its principal use in the arts, is for the coloring of porcelain, dyeing, and as a pigment. The fine chrome yellow so highly prized, is manufactured from this mineral. Nearly all the chrome used in the world, is produced from the mines of the United States. The Shetland Isles producing the next largest amount. The principle locality, and we might say nearly the only one on the Atlantic border from which this mineral is derived, is at the *Bare Hills* near Baltimore, and this affords the supply of the world.

The greatest amount that can be obtained from all sources at present known, is about 2000 tons, though the market would consume a much larger amount could it be obtained. From the limited supply in the market, the public will, at no distant day, be directed to its development in this State. So soon as cheap and rapid means of communication is obtained with the interior of the State, this ore will probably become an article of export to a

large extent, to China, and the Atlantic States, and England. It would be unnecessary to make it an article of export even, unless its reduction would prove too expensive in this State, on account of the high price of labor, for ample material usually exists in its vicinity for this purpose.

The high prices of the various manufactures from this mineral cannot fail to attract attention to its further development; and I feel that the value of the mineral will be sustained, when we say, that its market price in the state of rough ore, will equal the product of our best ores of gold in their average, being about $80 per ton. It has maintained this price very uniformly for a number of years.

This mineral is found in veins and masses running through serpentine rocks. These masses are often large, weighing from 60 to 80 pounds, and smaller, and generally disseminated through the rock and upon its surface.

The finest specimens the author has ever seen, have been found in this country, and in some localities in large quantities. A striking feature in the country that abounds in this mineral, among the serpentine formations, is the peculiar bareness of the immediate district compared to other surrounding sections, and an individual once observing it, would scarcely fail to recognize its characteristics even at a considerable distance.

The principle localities that have been observed as abounding in this mineral, are upon Nelson Creek near its junction with Feather river, in fragmentary masses. On the ridge, between the North and Middle Forks of the American, in small fragments; on Bear river four miles above Anson's Ferry; in the Cayota Diggins, near Nevada; and on Deer Creek, two miles below the City of Nevada.

It is at this last named locality that its attendant peculiarities may be most conveniently studied. It occurs here in large amorphous masses of twenty to fifty pounds weight, scattered over a low range of hills of some four to six miles in extent. The mineral would be easily mistaken, by the passing traveller, for large fragments of some of the darker trap rocks, or dark porphyries.

It is very dense, and possesses a semi-metallic lustre. Rolled fragments are often found of considerable weight on the banks of the creek in the vicinity. My attention was first directed to this mineral by Mr. Henry Pratten, who is at the present time connected with the Geological State Survey of Illinois, and formerly of the Minnesota Survey, by the United States.

In what follows, relating to other minerals observed in my tour through the country, I shall confine myself to the principal ores only, and their localities, unassociated with their different varieties, as the limits of this report will not permit of more elaborate detail.

Commencing with the auriferous group. Among the auriferous rocks we find—

Talc—at Central Company Mine, Marthenas Creek.
Chlorite—Volcano Mine, Middle Fork, American.
Talc—Dry Creek, El Dorado County.
Chlorite—Angels.
Peroxide Iron—Coyote Mountains, Sonora.
Heavy Spar—Armagosa Mines, Desert.
Arsenical Pyrites—head of Bear river.

SILVER.

Argentiferous Galena,	Frazer's.
Zinc-Blende and Arsenic,	do.
Sulphuret Silver and Malachite,	Columbia.

MISCELLANEOUS.

Marble, white,	Ringgold.
do. clouded,	do.
do. variegated,	do.
do. jet,	do.
do. white,	Volcano.
Oxide of Iron and gold,	Frazer's.
Arsenical Pyrites,	do.
Foliated Graphite,	Amidor.
Marble,	Deer Creek.
Arsenical Pyrites in Argelite,	Eagle Hill.
Vitreous Copper,	Carson's Hill.
Silicate do.,	do.
Carbonate do.,	Columbia.
Franklinite,	Stanislaus River.
Jasper,	Volcano.
do.,	Talbot's Hill.
Carbonate Copper,	Round Tent.
do. do.,	Grass Valley.
Sienitic Granite,	" "
Augite do.,	Anson's, Bear River.
do. do.,	Auburn Creek.
Scoria,	Sugar Loaf, Nevada.
Sienite,	Half-way House.
Peroxide Iron,	Deer Creek.
Peroxide Manganese,	Deer Creek.
Cinnabar,	" "
"	Yuba River.
Petrifactions,	Talbot's Hill.
"	Nevada.
"	American River.
"	West Hill, Nevada.
Lignite,	Nevada.
Molybdenum,	"
Fossil Leaves,	"
" Lichens,	Wade's Creek.
Pitch Stone,	Sugar Loaf, Nevada.
" "	Double Springs.
Mammalian Fossils, *teeth*,	Sonora.
" " "	Douglas's Flat.
" " "	Murphy's.
" " "	Vine Springs.

Fossil Shells, Miocene,	Butte Creek.
" " "	Chico.
Magnetic Iron,	El Dorado and Placer Co's.
Obsidian,	Butte County.
Peperino,	" "
Emerald,	Vallicita.
Rock Salt,	Near Sonora.

Ossiferous Cavern on Wade's Creek, containing human bones, teeth of the Wild Boar, and other animals. There are other caverns of considerable extent in the calcareous formations of the State, but nothing peculiar was observed in them. Those visited, were Martin's Cave, Middle Fork American River; McKinney's, and Volcano, in Calaveras County.

MINERAL SPRINGS.

There are several mineral springs scattered through the country, consisting mostly of Chalybeate and Sulphur; they are widely dispersed—but a few of them will be noticed.

Chalybeate Spring, upon	Destruction River.
" " "	North Feather do.
" " "	" Yuba, English Bar.
Sulphur Spring, at	Jackson, Calaveras County.

This last is the most important of all, and to be found in any quantity; it will probably become a place of resort for invalids in the future, as its waters are powerfully medicinal.

Valleys of Sacramento and San Joaquin.—Before noticing the probable capabilities of these valleys for Agriculture, so far as can be inferred from an examination of the rocks on their eastern and western borders, we will consider the probable formations that under-lie those valleys.

To Mr. Tyson we are much indebted in demonstrating these formations, and his opinions are entitled to our confidence in this particular, as his observations in other parts of the country have been verified by different scientific travellers.

Of its agricultural prospects, he said, "unless ample supplies of water can be elevated to the surface, it can never obtain much importance for purposes of agriculture."

It was, therefore, important to ascertain whether the geological structure beneath would warrant the expectation of bringing water above the surface by means of Artesian wells, and I do not hesitate to say it does most strongly. "Experience has demonstrated the almost certainty of obtaining water by this means in all valleys resting on sedimentary formations, and having a basin-shaped stratification, the beds of which are not too compact to prevent the passage of water through them, or between." He further observes: "That these indications are fulfilled in these valleys, and that we have sufficient evidence that the beds of conglomerate, sandstone and clay

that dip under the eastern edge of the valleys, is the same which rise from it on the west."

This correct and lucid description of the structure of these districts, cannot but lead us to the conclusion, that water, in quantities sufficient for purposes of agriculture, is obtainable from these sources, and at comparatively low rates. But a few years will elapse before this method will be adopted on an extensive scale. It needs but the initiative to bring this mode of irrigation into general use, and it will soon be largely employed.

This is demonstrated in the sinking of wells in the city of San Francisco; notwithstanding the failure of the first experiment in that city, there are a large number of these wells now in operation and others contracted for; and if proof of the possibility of the operation is requisite, these practical illustrations we think are sufficient, being situated as they are in a district where the probabilities of success were much less flattering than any part of the great valleys present. The adoption of this method of supply for this needful agent in the arid portions of the valleys, cannot fail to increase the resources of wealth which are the *right arms* of national prosperity; and it would seem then to become a question of economic interest with the State to take the first step in some of the valley counties, or in a more indirect manner through these counties to demonstrate its practicability in those extensive and now useless districts alluded to. The benefits that would result to the community from its success must prove prodigious, and its expense a mere trifle compared to the advantages.

Should this suggestion meet with your approval, the author would venture to propose three points distant from each other on which the experiment might be tried, with the above object in view, and which would sufficiently illustrate the practicability of the system for all parts of the country.

The localities best suited for these operations, in the author's opinion, would be—

First: Near the line of Colusi and Yolo Counties, at a point a few miles east of the foot-hills of the coast range. In Sacramento County, midway between the American and Cosumnes rivers, at a point five miles west of the valley foot-hills; and in Tuolumne County, on the same range, eight or ten miles northwest of Jackson's Ferry.

This last named point is one of considerable importance, as a recent sand stone formation exists, overlaying the older rocks, directly below which water would probably be found.

The localities named are situated in the more arid portions of the valley districts, and are therefore selected.

MODIFICATIONS OF SOIL ON THE VALLEYS.

The capabilities of a soil for production in agriculture is dependant, in most cases, in an equal or proportionate distribution of the minerals comprising it, and an excess of any one of its basic ingredients will render it unfit for these purposes, to which it would otherwise be well adapted.

On page 15, allusion was made to this point when speaking of the preponderance of the argelite formations and of the influence they must exert from

the large amount of their debris being commingled with the major portions of the alluvial of the valleys.

Hence it follows that a large portion of the lower prairie of the great valleys contain a notable and even disproportionate amount of this argillaceous ingredient, the natural and corrective agent of which is the sand and sandstone formations, so widely distributed in most parts of the country.

The application of this agent as a subsoil, or its mixture with the heavy argillaceous earths, will have a tendency to make them much more manageable and prolific. It is well understood that a goodly amount of lime is a most necessary ingredient in all soils in which wheat is to be raised, the more especially if followed for several consecutive years. In the more northern sections, this mineral does not hold so important a place as a distinct deposit as we have seen it to be in the southern districts; and although this cereal may flourish well at this time at the north, we must not place too implicit confidence in the capabilities of our soils, in this particular, for too long a period, without applying artificially the necessary calcareous matter that will by successive sowing become exhausted.

The southern district will not suffer in this particular on those lands that will produce this grain, from the fact that much higher amount of calcareous earth is commingled with the alluvial of the valleys, and the formation is much more extensively developed in these sections.

In addition to this, the disintegrated sandstone of a large portion of the lower part of the rivers that flow through these sections is calcareous, so much so as to effervesce with dilute acids. This sand and sandstone will be used for purposes of reclamation on the heavy argillaceous earths incident to this district, as well as in the northern sections; and its closer proximity to the localities in which it will be needed, will render it more valuable.

This sandstone is of the same age as that in the vicinity of Benicia and the shores of Carquinez Straits, and adjoining bays; and if required, is well adapted for building purposes in those sections; and like the Benicia stone, it possesses the property of becoming more compact on exposure to atmospheric action.

The most convenient locality for obtaining this stone for any purpose that may be required, is about ten miles above Jackson's Ferry, on the Tuolumne road. At this place it joins the banks of the river, in bluffs full one hundred feet in height, which are perpendicular.

Formation of the Valley of the Sacramento.—Many and diversified opinions have been entertained relative to the formation of this section of the State, and it may yet be considered a questionable point, in some particulars, as to the causes which were productive of this result. The lake and river theory has its advocates, while others, and with more consistency, adopt the doctrine of gradual elevation from subterranean forces. In viewing the present portion of the valley and the sedimentary rocks that form its border, and the extensive area they occupy in the State, it appears conclusive that other agents than those of water must have played an important part in giving to the section its present character and appearance.

Were there no other portions of the country involved in this question than the upper and lower prairies of the valleys proper, the doctrines of

aqueous denudation might perhaps be sufficient to explain their present features in some degree.

An insuperable objection is offered to the lake and river theory in the formation of these valleys in the terraced form they present, from this fact: they must suppose a sudden and an abrupt elevation in the first place, to form the necessary lake; and in the second case, the contained waters should be moving or running waters in order to accommodate the necessary amount of alluvial, of which the valleys are composed.

Two conditions, as we see, that are inconsistent with each other, from the nature of the circumstances.

"And how long," asks Mr. Dana, "would such lakes exist after an elevation?"

If the violence of the elevation did not open for them a passage, the accumulation of water during a single flood would break a passage through such a barrier as the soft sandstone at the mouths of the Sacramento presents.

The inconsistency then of this supposition will be apparent, were there no objections of a different nature present. The barrier theory must have acted in such a manner as to have inclined the strata of the sedimentary rocks in this vicinity at a very considerable angle, had it occurred, this being the result of forces from beneath; and as we find that these formations are but very slightly disturbed or changed in their characters, we are not warranted in adopting this position, as an examination of raised beaches within five hundred yards of this capital will illustrate.*

The terraced form of the great valleys then are attributable to those causes which have been so clearly demonstrated by Mr. Dana, as having arisen from the process of gradual elevation by forces from beneath the surface, and which have raised the country some fifteen hundred feet since the tertiary epoch.

A careful examination will convince us that these forces are still in activity within the limits of this State, as recent examples have been presented in the last few months.

With this brief sketch of the general characteristics of the Geology of the State, and the short time allotted for the preparation of this, being but a few days, I hope will be sufficient excuse for its brevity. Did the time permit, a more elaborate detail would have been made, and which, at some future day, I hope I may be able to furnish, when the explorations now commenced shall have been completed.

Hoping the report may meet your approval and anticipations.

I subscribe myself, yours, &c.

JOHN B. TRASK.

To J. R. SNYDER,
Chairman of Committee on the Geology of the State.

* Since the above was written, I learn that Mr. J. Sheldon has in his possession fossil vertebrata and crustacea from this formation, which will be furnished at an early day.

[Document No. 60.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE OF COMMERCE AND NAVIGATION,

ON THE

GOVERNOR'S MESSAGE IN RELATION TO PERUVIAN BARK "ELIZA."

[GEORGE KERR, STATE PRINTER

REPORT

OF THE

COMMITTEE OF COMMERCE AND NAVIGATION.

The communication of His Excellency the Governor, in relation to the loss of the Peruvian Bark "Eliza," by one of the licensed Pilots of the State of California, has received much consideration from your committee, and they beg leave respectfully to report as follows:

The note of Señor Osma, Charge d'Affaires of the Peruvian Government, at Washington, addressed to Daniel Webster, late Secretary of State of the United States, in presenting the documents upon which he requests the intervention of the Federal Government in this question, assumes, "as Morgan belonged to a company of Pilots, acting under the authority of the Government of the State of California, and as said company in *virtue* of their *charter*, must be possessed of considerable funds to meet such demands as might be made against it, the Peruvian Government, has thought it expedient to instruct the undersigned to apply to the Government of the United States, so as to obtain from the latter, that very just reparation, which in spite of the District Court of California, a Peruvian citizen has not been able to secure in that State."

In reply to this portion of the argument of Señor Osma, it is proper to state, that the Pilots of California, are licensed after a satisfactory examination, and are required each to give bonds in the sum of $5000 for the faithful performance of their duties

The laws of nearly all the States of this Union, providing for the establishment of Pilots, contain similar provisions. The laws of Great Britain, with the exception of limiting the number of Pilots, and allow-

ing them to form Joint Stock Companies, with any number of associates, are similar in spirit, as regards license, responsibility and compensation, to the Statutes of this State. The Pilots of San Francisco are not a *chartered* company, as is implied in the note of Señor Osma. No citizen, qualified to pass an examination, is prevented from becoming a Pilot—there is no limit as regards their number—and there is no obligation upon any one to employ them.

After a perusal of the law of this State on the subject of Pilotage, the propriety of calling upon the State of California for losses occasioned by the negligence or incompetency of Pilots, has no foundation in law or custom.

Section twenty-three of the Act to establish Pilots, passed 25th February, 1850, reads as follows:

"For carelessly or negligently losing a vessel, on conviction thereof, the Pilot having charge of said vessel at the time, shall be incapable ever after of acting as Pilot, and, moreover, shall be liable for damages on his bond. If a vessel be run ashore by a Pilot, no pilotage shall be charged, and if negligently done, the *Pilot shall be liable for all damages*."

Thus defines the redress of ship masters, and owners against careless Pilots, and if under it, the State of California can be made liable for the various wrecks which have occurred in its Ports, the precedent so established will involve the Federal and State Governments in an endless discussion with the citizens of governments who may have lost their property in the Bays of New York, Massachusetts, Georgia, &c., (which States have laws on this subject similar to our own,) while in charge of a licensed Pilot. In the event of loss, there is reason to fear, that the officers and crews of vessels will take an *ex parte* view of the conduct of the Pilot. From the circumstances in which he is placed, the loss of a vessel being *prima facia* evidence of neglect, he is almost unable to obtain testimony to exculpate himself from such a charge, no matter how careful or skillful he may have been. If the claim of the Peruvian Government be a good one, for reasons set forth in the dispatch of the late Daniel Webster, then our own Government may claim from that of Great Britain, the value of all our vessels in charge of Pilots wrecked upon her coasts. The proof which, in this instance, obtained a verdict of carelessness against the Pilot, would, from the similarity of circumstances in all such cases, in any court of Great Britain, present sufficient testimony to obtain a verdict against a Pilot there, and thus present ground to commence diplomatic negociations with that Government. And this, too, with more reason than is presented under the law of California, to sustain the claim of Peru.

The laws of Great Britain, 6 George iv. chapter 125, under which the English Pilots are licensed, makes that body an association, enjoying special privileges as therein recited, by the usage of several centuries, as well as by grants for His Majesty, the King. This law, like the one regulating pilotage in California, makes the Pilot responsible only for losses to the amount of his bond and pilotage. If, as is implied in the communication of Hon. Daniel Webster, an association acting under the authority of a government, render it responsible for their acts of negligence or carelessness, then is the Government of Great Britain responsible for any

vessels or cargoes lost by the Pilots created by the "Trinity House," if the means of that association are inadequate to make reparation.

The consequence of this declaration owing to the authority of the name sanctioning the principle now under consideration, would involve the States in losses greater than their various revenues could ever pay. And if correct, it is exposing State Governments to great dangers in their commercial relations with Foreign Governments, and that too without the means of protecting themselves, except by the slight supervision their representatives can exercise in the Senate in confirming treaties. Most of these involve this State in great pecuniary responsibility under the *principle referred to*, and were formed before this State was admitted into the Union, or had voice in their adoption.

The despatch of Señor Osma, further states, "that the Peruvian Government has thought it expedient to apply to the Government of the United States, so as to obtain from the latter, that very just reparation, which, in spite of the District Court of California, a Peruvian citizen has not been able to secure in that State."

In reply to this statement, attention is requested to the opinion of the Hon. Ogden Hoffman, Judge of United States District Court of California, accompanying this report.

In that opinion, the learned Judge uses the term "Association" in the sense of a partnership, and his judgment upon the case is, that the Pilots who acted with Morgan, as partners, were responsible with him to satisfy the loss occasioned by one of their number.

It appears that the United States Court rendered judgment against the Pilot of the vessel of which Morgan was one of the owners—the Marshal levied upon the vessel, and demanded a bond of indemnification of the Plaintiff, which was declined, and the execution was thereupon returned, "*nulla bona*." It does not appear that the plaintiff demanded the assignment or prosecution of the bonds of the defendants.

It does not appear that the schooner "Rialto," which was levied upon by the Marshal, was claimed by third parties, and we do not understand that the Marshal had a right to demand a bond, or that failing to get a bond, it was in accordance with his duty to return the execution "*nulla bona*."

If the Marshal had sold the "Rialto," which was the property of the defendant, a large portion of the money would have been made. We cannot percieve how the State of California can be held as being responsible for the inefficient performance of duty by the United States Marshal.

The return of the Marshal is as follows: "Levied upon the schooner Rialto, August 18th, 1851, but an indemnifying bond having been demanded from the plaintiff, which was not given, the schooner and this writ were returned, no property found this second day of September, 1851.

Article XIX. of our Treaty with Peru, July 19th, 1851, allows Peruvians access to our courts upon the same terms as native citizens of the United States. This places them upon a perfect equality under the law, and they should not claim greater privileges for the collection of their debts or the enforcement of their legal remedies, than are enjoyed by our own people. There is no accusation of a denial of justice; no accusation of corrupt conduct, nor of dereliction on the part of the State authorities; hence it seems to your committee that resorting to diplomatic measures for

the settlement of their claims, is unnecessary and unprecedented. The laws of every country enter into and control all contracts made within its limits. Few vessels ever clear for a port without ascertaining from the Consul of the country to which they are bound, the rules and regulations respecting the Pilot and Port regulations. These principles applied to the case under consideration, deprives the ship owner of any claim upon the State; it also shows, that if the Eliza had been a tight, staunch and seaworthy vessel, that with proper care he could have insured against the loss sustained by the carelessness or ignorance of the Pilots. Had the vessel been insured, the loss complained of would have been at insurer's risk. It is well known that but few vessels are lost at sea, compared with those wrecked on the coast; and even with those in charge of Pilots: hence, to make the State responsible for the Pilots, is to make it an insurer without charge or premium. The State has taken every precaution to provide competent Pilots; it prescribes qualifications, bonds and expulsion, and leaves the business open to competition; and, indeed, secures it by prescribing that not more than six Pilots shall be associated in any one vessel.

Mr. Osma assumes "that the State of California, which compels foreign vessels to employ unskilful and irresponsible Pilots should it appear by a just rule of equity be also bound to indemnify the owners of those vessels in all cases like the one alluded to in this note."

This assumption is incorrect; the laws of the State do not compel any foreign vessel to employ Pilots. Vessels belonging to citizens of Peru are upon the same footing as those belonging to citizens of California, as the following extract will prove.

Sec. 27, Act 25th February, 1850—"No person except those licensed by the Commissioners, shall pilot vessels in or out of the harbor of San Francisco for hire, under the penalty of $500 for each and every offence. This penalty is not incurred when the master of a vessel acts as his own pilot, nor in case of distress."

Your committee are at a loss to conceive the basis upon which Señor Osma founds the assertion, "that foreign vessels are obliged to provide themselves with Pilots." Nor can they conceive the equity of asking the State of California to pay for losses "like the one alluded to in this (his) note."

The laws of California, England, France, and many other countries, from a motive of humanity as well as of commercial policy, oblige Pilots to keep boats, to cruise a certain distance seaward, and to be in readiness to render assistance to vessels in distress. The object of these laws is the safety of property and life; and they allow the Pilots to charge from whole to half pilotage whether their services are required or not. In the discharge of duties imposed upon them by law, they risk their own property and life; it is therefore but just that the interest benefitted by their labor, should contribute to their maintenance.

The fourth article of the treaty with Peru, provides that Peruvian vessels shall pay no higher or other *duties or charges* on account of *tonnage*, harbor dues or *pilotage*, than American vessels of the same tonnage.

As regards the charge of half pilotage, the stipulation of the treaty intends that the vessels of either republic shall pay in the ports of the other the same rates of pilotage as national ships.

And this furnishes no ground for the charge "that foreign vessels are obliged to provide themselves with Pilots."

The scarcity of standard works in the State Library, has caused your committee much inconvenience. They find, however, under decision made in the State of Georgia, that it has been decided that "the office of Pilot is not a public one; it is a private profession, trade or calling." See Reports of Robert M. Charlton, U. S. Digest, vol. 5, page 523, tit. Pilots.

Your committee can see no reason to justify the opinions expressed to the Hon. Dan'l Webster, late Secretary of State, by Señor Osma, in relation to the responsibility of this State to that of Peru, through the action of the Federal Government.

In conclusion, they would desire that the following extract from the laws of the United States, might receive the consideration of the present honorable Secretary of State of the United States.

"Chapter 9; an Act for the establishment of Light-houses, Beacons, Buoys and Piers, August 7th, 1789. Sec. 4. *And be it further enacted*, That all Pilots in the bays, inlets, rivers, harbors and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such Pilots may be, or with such laws as the States may, respectively, hereafter enact for the purpose, until further *legislative provisions shall be made* by Congress."

The next occasion upon which Congress legislated upon the subject of pilotage, was in the difficulty resulting from the claims of the New York and New Jersey Pilots, which were settled by the law of Congress passed March 2d, 1837.

By Section 8 of Article I, of Constitution of the United States, Congress has the power to regulate commerce with foreign nations. In the instance in which it exercised its authority, the State laws were endorsed by the Federal Government and made the law of the United States, until Congress thought proper to legislate upon the subject.

If, therefore, there be any merit in the claim advanced by the Government of Peru for the loss of a vessel while in charge of a Pilot, licensed under a law of this State, the claim lies against the General Government. For it has the exclusive power to regulate the subject,—it never parted with its control over the matter—it has made the Treaties under which this claim is advanced, and which, if allowed, will be followed by similar ones. Your committee respectfully report, that the views taken on this question by His Excellency the Governor, are, in their opinion, correct; and they respectfully request to be discharged from the further consideration of the subject.

PHILIP A. ROACH, Chairman.
JNO. S. HAGER,
JNO. H. BAIRD,
A. P. CATLIN,
JOHN WALTON.

April 9, 1853.

COMMUNICATION FROM SECRETARY OF STATE OF THE UNITED STATES.

[COPY.]

To His Excellency JOHN BIGLER,
Governor of the State of California.

DEPARTMENT OF STATE,
Washington, 15th June, 1852.

SIR:—I transmit a copy of a note and the accompanying papers, addressed to this Department by Mr. Osma, the Charge d'Affaires of Peru, under date the 2d instant, and of the reply of the Department of this date,* relative to the shipwreck of the Peruvian barque Eliza, in the Bay of San Francisco, in consequence of the ignorance or negligence of her Pilot.

If, as Mr. Osma represents, the Association of Pilots of San Francisco has been established under a law of the State of California, that State must be considered as responsible for those acts of negligence or ignorance on the part of the association for which the means of its members, jointly or severally, may be inadequate to make reparation. I therefore commend this case to the favorable consideration of your Excellency, and trust that provision will be made by the State of California for the payment of the claim.

I have the honor to be, very respectfully,
Your Excellency's obedient servant,
DAN'L WEBSTER.

SANTIAGO vs. MORGAN, ET AL.

Opinion of Ogden Hoffman, Jr., U. S. Circuit Court, Northern District.

This was a libel in personam for a marine tort. The injury complained of, is the unskilfulness and negligence of the respondent Morgan, in running the ship Eliza, under his charge as a licensed Pilot on the Tonquin Shoal in this harbor. It seems that Morgan came on board the ship on the morning of the 4th January. The vessel had previously sustained considerable injury from a collision the night before, and when boarded by the Pilot she was in a situation of some danger. She was, however, extricated and got

* The reply referred to has not been received at this Department.

under way by the Pilot without any difficulty or extraordinary exertion. She commenced her course, and about dusk was run on the shoal, and sustained the damage for which this action is brought; much testimony was taken at the hearing which I do not think it necessary minutely to consider. It is asserted by those on board the "Eliza," that the wind was free, being from the southwest. While the witnesses on the part of the respondents maintain that it was from the south east. The course made by the vessel, from the point where she was got under way to the shoal where she struck, was not far from east southeast, and it is somewhat difficult to perceive how that course could have been made with a southeast wind.

The Pilots, however, assert by striking the lee bow of the vessel to force her to windward, and the Court cannot disregard the opinion of experts on such a point.

But in the view I take of the case, the inquiry is immaterial. It is on all sides conceded, that the wind was such as enabled the vessel to make a direct and safe course to her anchorage. Assuming the wind to have been southeast, the difficulty was not to keep off the shoal, but to get on it. It seems to be established, that the usual and proper course of the vessel was along the shoal on which she struck.

The Pilots, it is true, testify more strongly. They assert that the shoal is by no means dangerous. That vessels touch upon it almost daily, and that they should regard the chances of striking upon it as deserving of little consideration. But this Court cannot consider running upon any shoal as the usual and proper mode of navigating vessels in or out of this harbor. It must regard the Pilot as bound to avoid running a ship ashore, even though, in his opinion, it may be done without danger; and if he, relying upon previous escapes, should by undue want of caution incur such a hazard, the risk and the loss should be his own. That such an accident is not always unattended with danger, the experience of the "Eliza" sufficiently establishes. But it is alleged that the immediate cause of the accident was the vessel's being taken aback, and it was supposed by the counsel for the respondents, that she had already passed the shoal an hour and a half, and that on being taken aback, she drifted astern and grounded. Without adverting to the gross negligence on the part of the Pilot, involved in the supposition, that on good anchorage ground, in the immediate vicinity of vessels safely moored, he suffered his ship to drift upon a shoal he had passed an hour and a half before, it is enough to say, that there is no evidence to sustain the hypothesis.

By the testimony of the Respondent's witnesses, the wind was from the south-east; but they all agree that on approaching the shore the wind hauls more to the southward. This change of the wind is in some degree relied on when accounting for the course actually made by the vessel.—The shoal lay to the southward of the course of the vessel. It is evident that if the wind hauled to the southward, it would become more free instead of heading off the ship.

It is asserted that the ship was in a condition so disabled as to be peculiarly exposed to such an accident. But she was in the same condition when the pilot took charge of her, and it would have been easy for him, knowing that condition, to have avoided all possibility of danger.—His course, it is true, lay along or near the shoal, but not on it; nor can I

perceive how I can acquit a pilot of negligence who, with the wind blowing off a shoal, in fair weather and open daylight, runs his ship upon it.

It was exactly the kind of danger, to enable vessels to avoid which, his services were required and his office established by law. Much stress was laid on the fact that the ship was unprovided with a hawser, by means of which, it is suggested, she might have been warped off the shoal. But that experiment was tried by Capt. Simpton the next morning without success, nor can the court say, whether an effort made immediately after the accident, might not have had the same result.

It is to be remembered, also, that Capt. Simpton found means to run a line to the shore by using the chewlines and other ropes for the purpose—an expedient which does not seem to have occurred to Mr. Morgan. But this action is not brought for omitting to warp the ship off the shoal, but for running her on it. The Pilot ought to have known whether there was a hawser on board before he ran the risk of putting his ship on shore, relying on the hawser to extricate him without injury. If he were guilty of negligence in getting on the shoal, it does not seem to lie in his mouth to say that if she had some other equipments she might possibly have escaped with less damage. I have not thought it necessary to consider what is the precise degree of liability the law fixes upon a Pilot. For I think he is, in this case, liable, under either view of the law that has been taken.

The only remaining point to be considered, is whether these defendants are jointly liable with Mr. Morgan as partners. It appears in evidence that the Pilots are divided into "Associations of six Pilots each." Each of these associations owns a boat with which the business is conducted.

It is proved that all the moneys paid to individual Pilots belonging to a boat are brought in to a common agent and credited to the boat.

The profits, after deducting expenses, were equally divided amongst those belonging to the boat.

It further appears that bills for pilotage by individual Pilots were made out in the name of the Association, collected by the agent, and credited to the boat. Under these circumstances I am unable to conceive any definition of a partnership which would not include an association like the one described. Any member of it would clearly be entitled to an account, and each participated in the profits, as such, and was liable for his proportion of the losses.

It follows that the partnership must be liable for malfeasance or negligence committed by one of the partners in the course of his employment and within the scope, and while engaged in performing the business of the partnership. 11 Wend. 571. 18 Ward, 175.

No evidence of the amount of injury sustained by the libellants was given at the trial, that inquiry having been reserved by consent until the question of liability should be determined. It must therefore be referred to the Commissioner to take testimony on that point and report the result to the court.

Dated July 9th, 1851.

[Document No. 61.]

IN THE SENATE.] [SESSION OF 1853.

SECOND ANNUAL REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

TO THE

LEGISLATURE OF THE STATE OF CALIFORNIA.

[GEORGE KERR, STATE PRINTER.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
Benicia, California, April 11th, 1853.

TO THE HON. I. B. WALL,

Speaker of the House of Assembly:

SIR—

In accordance with the provisions of an Act approved May 3d, 1852, to establish a System of Common Schools, I herewith transmit, through you to the Assembly, my Second Annual Report.

JOHN G. MARVIN,
Superintendent of Public Instruction.

REPORT.

By referring to Article IV of "an Act to establish a System of Common Schools, approved May 3d, 1852," it will be seen what is required of me as the head of the School Department in California, and in Article IX of our State Constitution, the powers and duties of the Legislature are also defined in relation to the establishment and maintenance of Common Schools throughout the State.

Upon the adjournment of the Legislature last May, I prepared and had printed the School Law, with instructions and forms for the guidance of County and Town Officers, and distributed them as generally as our mail and express facilities would permit, and the necessities of the case required. By these means I have been able to procure much valuable information with regard to the infant organization of Common Schools in California, and though the returns are imperfect, and in some cases wanting altogether, they exhibit a cheering account of the deep interest felt in Schools among the people of this *ultima Thule* of States, in the sisterhood of the Union. Even here, in the land of gold and stalwart men, in almost every town, we now find school houses built and building, and hear the merry prattle of the village school boy, where three years ago there were few, or no families nor schools, and this too has been accomplished without a particle of aid from the State. Her embarrassed financial condition, and the supposition on the part of some that there was no necessity for schools, prevented anything like efficient and well directed action upon the subject, until in the beginning of last year.

A school system is now in operation, which our citizens have become measurably acquainted with, and though the experience of the past has disclosed some defects in it and omissions, in the main it has worked well, and seems to be adapted to the purpose for which it was designed.

By a careful examination and compilation of the census returns, it appears that there are 17,821 white youths between the ages of 4 and 18 years in our State, who have the right, as well as their parents, under the Constitution, to ask at the hands of the Legislature, that a Common School be kept

and supported at least, three months in every year, in each school district in the State, at the public expense, (*a.*)

Up to this time not a dollar of money has been disbursed by the State for the support of Common Schools, and it is now a question under all the circumstances, whether the school moneys already in the hands of the State Treasurer had not better remain there, until they have received the accessions of another year, before they are distributed.

An auspicious commencement, at least, has been made during the past year in organizing and starting a System of Public Schools, and when the law, during the coming year, shall have been more generally and better understood, and more ample means have accumulated for the support of Free Schools, we may then expect to see the benificent effects and advantages of Free Public Schools adapted to the wants of the people on the shores of the Pacific.

It was scarcely to be expected that any school law, however carefully drawn and maturely considered, would be found perfect in all its parts and adapted to our anomalous condition, both as it respects the heterogeneous character of our population, unlike in customs, habits and language. The practical workings of the school law, during the past year, have demonstrated the necessity of making some changes without seriously impairing the general structure of the law.

I propose now to notice such changes and additions as to me seem necessary, and commend the suggestions to your consideration.

In the present school law, the duties of the County Superintendent are defined without creating the office. Consequently, all of the reports that have been forwarded to this Department from the County Assessors are unofficial. By the carelessness of the enrolling clerk, the section in the bill creating the office was accidentally omitted, and the omission was not discovered in time to be corrected before the Legislature adjourned. I caused the section to be printed in the Act as published in a pamphlet form, with an explanatory note, as the best thing under the circumstances that could be done, in order that school districts might be organized, and a commencement made towards establishing Common Schools. In consequence of this, the Board of Education at the commencement of the year did not conceive that they had authority under the law to make a distribution of the school moneys that had accrued, without the interposition of legislation to legalize the school returns that had been made by the County Assessors, since to this officer all of the district reports were required to be made, and through him the moneys distributed.

This circumstance was communicated to both branches of the Legislature early in the session, in an official letter from the State Board of Education, (*b.*)

(*a.*) See tabular statement A.

(*b.*) Vallejo, January 20th, 1853.
OFFICE OF STATE BOARD OF EDUCATION.

TO THE SENATE AND ASSEMBLY:

From official information received at this office, it appears that there has accrued to the credit of the School Fund, and subject to distribution for the support of schools in this State, up

The Assessors in some counties have declined acting as County Superintendents, in consequence of the defect alluded to in the law, and because no remuneration was allowed for their services; while in others, they have discharged their duties with apparent fidelity and despatch. On these accounts, it is presumed that no reports have been received from several of the more populous counties in the State, such as Sacramento, San Joaquin, &c. In the Appendix will be found abstracts of such reliable school statistics as have been received at this office up to the present date, (c.)

Hoping that some action would soon have been taken in the premises, so that I might show in my report what amount of money would be due each county, town, and district, in accordance with the law, I have delayed communicating it to your honorable body, until the session has now drawn so nearly to a close that a longer procrastination on my part might jeopardize the opportunity this session of correcting such portions of the School Law as are deemed necessary.

I would respectfully recommend that the County Assessors in each county be constituted County Superintendents of Common Schools. From the nature of their duties, they are necessarily through all portions of their respective counties, and are likely to be familiar with the educational wants of the people. Some provision should be made for remunerating this class of officers for the time necessarily employed in the discharge of their duties, as well as the Marshals, who are required annually to take the census of the children in organized school districts, or those about to be organized. It can scarcely be expected in a country like ours, where the expenses of locomotion and living are so high, that officers from patriotic or benevolent motives alone will be induced faithfully to perform services essential to the public, unrequited.

By the School law, School Commissioners were required to be elected at the last general election in those districts where schools had been organized. The law in this respect, in some districts, has been complied with, while in others, no elections were held. I would suggest that in those cases where the people failed, either from negligence or want of knowledge of the law, to elect Commissioners, or in those districts where, between the general election, a sufficient number of families have settled to form a school, that the County Superintendents have the power to appoint Commissioners, thus giving the people so positioned the earliest opportunity of securing the advantages of the School law.

I would also suggest the propriety of requiring the School Commis-

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to the present time, $18,289 32. By reference to "an Act to establish a System of Common Schools," it will be seen that the distribution of the school money in each County, is required to be made by the County Superintendent, and that the duties of such an officer are defined without creating the office. In view of this fact, the Board does not feel authorized to take any steps in the premises, without some legislative action as to the manner in which the distribution of said moneys shall be made.

All of which is respectfully submitted.

JOHN BIGLER,
W. M. EDDY,
JOHN G. MARVIN,
State Board of Education.

(c) See Appendix B.

sioners of each district annually to report not only to the County Superintendent, but also direct to the Superintendent of Public Instruction. By these means, this office would more likely be in possession of the necessary data upon which to make a legal distribution of school money, and it would be a check upon any attempted collusion that might be made to secure more money for a particular county than its rightful proportion.

Some provision should also be made to meet the interest on the Comptroller's Warrants that have been paid into the Treasury for School lands since the first of January. It is a matter of some doubt whether they are now yielding anything to the School Fund. This being the principal source of available revenue for the support of schools it should be carefully guarded and secured, for there is no portion of taxation it is believed which would be more cheerfully paid by the people, or which will return to them again, producing greater benefits, than this.

A considerable number of pupils are taught in churches for want of suitable school houses. They are for the most part in charge of the pastors of the same, from the choice of the parents of the children. This is more particularly the case with regard to the Catholic population in the State. It appears that in these schools all of the ordinary branches of a common school education are taught, and in order that this class of schools may receive their proportion of school money, some change in the School law is required.

In Appendix C will be found a report of this class of schools. It might be made the duty of the County Superintendent to visit them, and where there were competent instructors, give them certificates which should entitle such schools to a *pro rata* division of the school money, providing the School law was complied with in other respects. This would certainly be equitable, and doing justice to the children of parents who in several of the counties and cities of the State have paid no inconsiderable portion of the accumulated School Fund, whilst under the law they may be debarred from any portion of the money.

Uniformity in school books is very much to be desired, and there should be some provision by which it can be attained. There is considerable difficulty in many parts of the State in procuring school books at all, which would not be the case was there some uniform system. Publishers as well as booksellers would then find it to their interest to keep those selected on sale in the State, which would have the effect to reduce them in price.

The moneys that have accumulated in the State Treasury to the credit of the School Fund, which may be disbursed, amounted, upon the 18th of January, according to the official report, to $18,289 32. $12,874 66 was received under the provisions of article 1 section 17 of the Revenue law, and $5,414 66 is the amount of interest due on the receipts from the sale of a portion of the 500,000 acres of School lands. (*d.*)

By reference to appendices A and E, it will be seen that there is yet due the School Fund from the several counties, $9,298 18. A considerable portion of this money has been paid into the Treasury since January 18th, making the available school money now on hand about $24,000. This money, in my opinion, as before suggested, had better be retained

(*d.*) See Appendices, A and D.

in the Treasury until next January. It cannot be legally distributed, in consequence of the defect in the School law before alluded to, without legislation, and then there would be difficulties in the way of apportioning it. The amount is also too inconsiderable to effect much good when parcelled out.

Something more than 150,000 acres of the school lands have been sold up to this time, yielding a School Fund of more than $300,000. The interest on this, together with such other probable sum as will accrue from the sale of lands during this year, will amount to about $22,000. This would make not far from $50,000 for distribution to organized schools, on the first of January, 1854; a sum sufficient to place them upon a sure and almost free basis during a considerable portion of the year. It would also induce the people to organize schools in accordance with the law, in order to secure their portion of school money. Should these views be deemed tenable, the tax of five cents of the thirty imposed on each one hundred dollars by the revenue law of 1852 for the support of schools, might appropiately, in the present financial embarrassment of the State, be devoted to the payment of the interest on the school bonds.

Should the sale of the 500,000 acres of land progress for the coming year, as during the past, by January 1855, the interest from this fund alone will go far towards supporting free schools, at least three months in every school district in the State, without any aid from other sources.

It is to be hoped that no changes will be made in the law providing for the sale of the 500,000 acres of land. It has worked as well as its most sanguine friends anticipated. State securities have been enhanced in value by it, and a large fund has already, and is still rapidly accumulating, for the support of schools.

Before two years have elapsed, some of the sectional school lands may be brought into the market, and, if needed, augment the School Fund still more.

During the past year, no money has been received into the School Fund from escheated estates, nor from other sources, excepting $1,456 in war loan scrip, alluded to in my Annual Report of last year. A portion of this money has been expended for the necessary furniture, lights, and fuel of my office, for which expenses no provision by law has been made. Another portion has been and is being expended for a library for this office. Books of reference, school journals, and the legislation of other States pertaining to schools, are indispensable, and have been purchased when they could not be procured gratuitously in exchange.

The commencement of a public library has thus been begun, the want of which all have felt, who have belonged to the legislative or executive department of the State Government, (*c.*)

By recent information from Washington, it appears that our Representatives in Congress have secured to the State, for the support of Common Schools, two sections of land in each township, and 72 sections for a State University. These lands will not be available for purposes of School revenue until surveyed, which in a great measure will doubtless be done the coming year. No legislation with reference to these sectional lands would seem requisite at present.

(*c.*) See Appendix F.

STATE UNIVERSITY, &c.

It is impracticable at this time, in my opinion, to legislate in reference to this subject. The land for its endowment has but just been given to the State, and another year at least must elapse before the surveys have progressed sufficiently to make the selection. At the flourishing preparatory schools at Marysville, Benicia, San José, Santa Clara, and San Francisco, and elsewhere, there are students already sufficiently advanced to enter a University, and it will be needed before it is possible to provide a revenue for its endowment. It is probable, however, that by the next session of the Legislature, it will be practicable to take the initiatory steps towards founding this institution.

COLLEGES.

The endowment and support of Colleges depends upon the liberality of the people, for as yet there is no legally provided source of revenue for them.

I cannot too strongly urge upon the officers of the different school districts, a strict compliance with the provisions of the school law, not only in organizing the schools, but in reporting the required statistics promptly to this Department. Inattention in this respect will deprive the district in fault of its *pro rata* proportion of school money, for the year in which it is in fault.

NORMAL SCHOOLS.

No apparent necessity for a Normal School has yet arisen. The supply of competent teachers in California is more than equal to the demand.

ACADEMIES AND HIGH SCHOOLS.

No portion of the school money arising from any provided source, is applicable to these Institutions. Their necessity is becoming every day more apparent, and some eight or ten are now in operation under more or less favorable auspices. Perhaps the more direct way of encouraging them would be to empower the counties where they are located, to levy a uniform tax upon the real and personal property within the county, sufficient to defray in part the necessary expenses; the tuition money would make up the deficit, and we should then have duly provided for a much needed and desirable class of schools.

In conclusion, the guarding and increasing the School Fund and its revenue, are entirely in your hands, and it is my desire, as well as duty, to aid you in establishing and perfecting a System of Free Common Schools, that will redound to the glory and honor of our Eureka State.

JOHN G. MARVIN,
Superintendent of Public Instruction.

APPENDIX A.

A Table showing the number of children in each county in the State; reported number of Schools; amounts expended for the same; amount assessed for School purposes, and amount paid into the State Treasury.

TABULAR STATEMENT.

NAMES OF COUNTIES.	Census returns of children between the ages of 4 and 18.	Reported number of common schools organized under the law.	Reported number attending school.	Amount expended in teachers' salaries.	Total amount of expenditures.	Amount of school money assessed under the Revenue law of 1852.	Amount paid into the State Treasury up to January 18, 1853.
Butte,	212					$427 04	$116 84
Calaveras,	430					404 22	
Contra Costa,	563	1	190	$300 00	300 00	1,618 09	1,378 07
Colusi,	35					490 31	47 04
El Dorado,	1,000	2	171	600 00	600 00	915 90	292 71
Klamath,	8					32 6[illegible]	86
Los Angeles,	1,472					1,128 0	
Mariposa,	328					573 13	
Mendocino,	24						
Marin,	187					466 59	389 68
Monterey	728	1	140	202 53	202 53	773 31	781 80
Nevada,	762					478 40	102 21
Napa,	234	3	261			644 52	
Placer,	307					683 00	417 45
Pah-Utah,							
San Francisco,	2,282	7	2,132	18,025 39	23,125 25	9 240 86	4,871 17
San Diego,	282						
San Luis Obispo,	259					256 22	113 75
San Joaquin,	770					1.406 20	1,045 75
Santa Clara,	1,776	1	47	187 50	465 00	1.603 02	130 17
Santa Cruz,	287					547 54	
Santa Barbara,	876					494 84	430 86
Sacramento,	2,151					3,616 01	1,993 00
Sutter,	62					309 00	163 59
Solano,	673	3	311	1,440 00	2,040 00	1,013 88	
Sonoma,	555	1	62	150 00	843 62	822 39	577 00
Si-kiyou,	90					239 49	
Sierra,	75						
Shasta,	252					322 77	22 70
Tulare,	36						
Tuolumne,	645					810 45	
Trinity,	46					116 76	
Yuba,	271	1		450 00	527 34	1,144 95	
Yolo,	143					462 70	
	17,821	20	3,314	$21,355 42	$28,103 74	$31,042 34	$12,874 65
Deduct from amount of School money assessed under the Revenue law of 1852, for delinquents, commission and mileage, 30 per cent., - - - - -						8,869 50	
						$22,172 84	

APPENDIX B.

This Appendix contains an abstract of such School statistics as have been received at the office of the Superintendent of Public Instruction, under the School and Census Acts of 1852.

BUTTE COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—212.

No reported schools have yet been organized in this county under the provisions of the school law.

The County Superintendent writes as follows, under date of November 30th:

"I have failed to divide this county into school districts, for the reason that at the time I was assessing the county there were not children enough to form a school. Since the arrival of the late emigration, the number of children has been considerably increased. The probable number of children at this time is about one hundred and twenty. These are scattered over so large a portion of the county that it makes it very doubtful whether a sufficient number could be assembled to form a school."

Amount of school money assessed under the Revenue law of 1852,—$427 04.

Amount paid into the State Treasury for the support of schools up to January 18th, 1853,—$116 84.

CALAVERAS COUNTY.

Number or white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—430.

No report has been received from this county.

Amount of school money assessed under the Revenue law of 1852,—$404 22.

Nothing has been paid into the State Treasury for the support of schools up to January 18, 1853.

CONTRA COSTA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—563.

School Districts.	*School Commissioners.*
Martinez,	J. F. Williams,
Alamo,	C. Yagan,
	N. Jones.

Teachers employed.

H. Mills, William Bishop.

The district at Martinez is the only one reported by the County Superintendent as having been organized according to law.

Number of children reported between the ages of 4 and 18,—190. Boys 106; Girls 84.

Salary of teachers per month, $100.

Amount paid teachers, $300.

Amount of school money assessed under the Revenue law of 1852,—$1,618 09.

Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$1,378 07.

COLUSI COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—35.

No report has been received from this county.

Amount of school money assessed under the Revenue law of 1852,—$490 31.

Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$47 04.

EL DORADO COUNTY.

No census returns have been received at the office of the Secretary of State from this county.

Number of children between the ages of 4 and 18, about 1,000.

School Districts.	*School Commissioners.*
Diamond Springs,	James S. Brady,
Heber No. 2,	C. C. Finkboner,
	E. C. Springer.

Teachers employed.

John Burton, Mary Burton, Catherine J. Miller.

Salaries of teachers per month, $100.

Number of children reported between the ages of 4 and 18,—171.

Amount paid teachers, $600.

Total amount of expenditures, $600.

Amount of school money assessed under the Revenue law of 1852,—$915 90.

Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$292 71.

KLAMATH COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—8.

No report has been received from this county.

Amount of school money assessed under the Revenue law of 1852,—$32 69.

Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$00 86.

LOS ANGELES COUNTY.

Number of white children in the county, between the ages of 4 and 18, as shown by the census returns of 1852,—1,472.

No report has been received from this county; amount of school money assessed under the revenue law of 1852,—$1,128 00.

No moneys have been paid into the State Treausry for the support of schools, up to January 18th, 1853.

MARIPOSA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—328.

No report has been received from this county; amount of school money assessed under the revenue law of 1852,—$573 13.

No moneys have been paid into the State Treasury for the support of schools, up to January 18th, 1853.

MENDOCINO COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—24.

No report has been received from this county; it still remains unorganized.

MARIN COUNTY.

Number of white children in the county, as shown by the census returns of 1852,—187.

No report has been received from this county; amount of school money assessed under the revenue law of 1852,—$466 59.

Amount paid into the State Treasury for the support of schools, up to January 18th, 1853—$389 68.

MONTEREY COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—728.

School District.	*School Commissioners.*
San Juan,	P. Brun, J. Twichell, J. Jordan.

Teachers Employed.

W. B. Harris. B. McNally.

No report has been received of any school organized according to law in this county, except that of San Juan.

Number of children between the ages of 4 and 18—

Boys, - - - - - - -	85
Girls, - - - - - - - -	55
	140

Salary of Teachers per month, $67 50.

Amount paid Teachers, $202 53.

Amount of school money assessed under the revenue law of 1852,—$773 31.

Amount paid into the State Treasury for the support of schools, up to January 18th, 1853,—$781 80.

NEVADA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—762.

No returns have been received from this county; amount of school moneys assessed under the revenue law of 1852,—$478 46.

Amount paid into the State Treasury for the support of schools, up to January 18th, 1853,—$102 21.

NAPA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—234.

School Districts.	*School Commissioners.*
Napa City,	J. M. Hamilton.
Middle District,	R. Gregg.
Upper District,	J. H. Seawell.
	C. Hopper.
	J. Gregsby.
	J. S. P. Smith.
	E. Kellogg.
	W. H. Nash.
	W. Haskins.

Number of children reported between the ages of 4 and 18—261.

The County Superintendent reports that "Schools have been taught in each district, but not in accordance with the law."

No other returns have been received; amount of school money assessed under the revenue law of 1852,—$644 52.

No moneys have been received at the State Treasurer's office for the support of Schools up to January 18th, 1853.

PAH-UTAH.

No organization of this county has been made under the provisions of the Act of May 3d, 1852.

PLACER COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 307.

No reported schools have been organized in this county in compliance with the statute.

Through the County Treasurer, I learn that "there have been kept in the county during the last School year, two schools. These were kept by female teachers, and the number of scholars taught in them as far as I can ascertain, was 15."

Amount of school money assessed under the revenue law of 1852, $683.

Amount paid into the State Treasury for the support of schools up to January 18th, 1853, $417 45.

SAN FRANCISCO COUNTY.

Number of white children in the county, as shown by the census returns of 1852, 2,282.

School Districts.	*Commenced.*	*School Commissioners.*
Rincon Point,	January 8, 1852,	S. R. Harris.
Happy Valley,	Nov. 17, 1851,	John Cotter.
Dupont Street,	Dec. 22, 1851,	M. Holland.
North Beach,	Nov. 17, 1851,	J. Wilson.
Clark's Point,	June 7, 1852,	H. E. Lincoln.
Spring Valley,	Feb. 9, 1852,	
Mission Dolores,	May 10, 1852,	F. Turk.
		R. O. Tripp.
		S. W. Sweasey.

TEACHERS EMPLOYED.

Males.	*Females.*
S. Western,	Mary S. Sibley,
W. H. O'Grady,	Abigail Hyde,
J. Denman,	Elmira W. Baldwin,
F. E. Jones,	Gertrude Brown,
J. H. Tracy,	Anna W. Millbury,
A. W. Cole,	Marietta Chadsey.
A. Rix,	
J. R. Nelson.	

The County Superintendent reports that "all the moneys expended for Common Schools within the year, were raised by special tax upon the real estate and personal property in the City of San Francisco. The residents of the several districts have paid their respective shares and received their share of the benefits. I extract from the City Superintendent's report to me, as to the general condition of the schools in the city. "The Schools above mentioned have all been continued from the date above specified up to the 1st of November. The teachers employed, were duly qualified and approved on examination, before commencing their services as teachers, according to law. All the returns required by the school law, have been made to me and placed on file. I have received no report from District No. 1, or Mission Dolores."

Number of children reported between the ages of 4 and 18,—

Boys,	1,158
Girls,	974
	2,132

Salaries of Teachers per Month.

Eight receive,	$150
Six "	100 and
One receives,	75

Amount paid Teachers,	$18,025 31
Total amount of expenditures,	23,125 25
Amount of school money assessed under the revenue law of 1852,	9,240 86
Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,	4,871 17

SAN JOAQUIN COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—770.

No report has been received from this County; amount of school money assessed under the revenue law of 1852,—$1,406 20.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$1,045 75.

SAN DIEGO COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—282.

No report has been received from this County. The Assessor has made no returns to the Comptroller's office of the taxable property in this County.

SAN LUIS OBISPO.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—259.

No report has been received from this County.

Amount of school money assessed under the revenue law of 1852,—$256 22.

Amount of school money paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$113 75.

SACRAMENTO COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—2,151.

No report has been received from this County.

Amount of school money assessed under the revenue law of 1852,—$3,616 01.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$1,993 00.

SANTA CLARA COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—1,776.

School Districts.	*School Commissioners.*
Alviso.	
Burnett.	
Fremont.	
Gilroy.	
Santa Clara.	
San José,	E. L. Beard.
Mission de San José,	David Howard.
	James Hawley.

Teachers Employed.

W. W. Brier.

No report has been received from either of these districts, except that of the Mission de San José.

The County Superintendent remarks that he appointed School Commissioners for the County according to law. "They met, and declared each of the several townships of this County, School Districts. I have received reports but from one. I do not think that any of the others have taken steps to organize."

Number of children reported between the ages of 4 and 18,—47.

Salary of Teachers, per month, $125.

Amount paid Teachers, $187 50.

Amount of school money assessed under the revenue law of 1852,—$1,603 02.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$130 17.

SANTA CRUZ COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—287.

No report has been received from this County.

Amount of school money assessed under the revenue law of 1852,—$547 54.

No moneys have been paid into the State Treasury for the support of Schools, up to January 18th, 1853.

SANTA BARBARA COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—876.

No report has been received from this County in compliance with the law. By a letter from the Superintendent, it appears that a School has been kept in the town of Santa Barbara during the past summer and fall. The Teacher was a female, and received for her services $100 per month.

The number of children in the town is 347.

Amount of school money assessed under the revenue law of 1852,—$494 84.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$430 86.

SHASTA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 252.

Amount of school money assessed under the revenue law of 1852, $322 77.

Amount paid into the State Treasury for the support of schools, up to Jan. 18th, 1853, $22 70.

The County Superintendent writes as follows: "I have to inform you that there has not yet been a school kept in this county in accordance with the school act, so as to entitle us to any of the School Fund. I shall, in the early part of the year, appoint Commissioners, and endeavor to organize Public Schools in this county, in accordance with the school law of this State.

P. F. TERBUSH.

SOLANO COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 673.

School Districts.	*School Commissioners.*
Benicia,	John Walsh,
Suisun,	J. Woodbridge, Jr.,
Vacavilla,	F. P. Madden,
	T. C. Maupin,
	W. Story,
	S. Marten,
	W. McDaniels,
	W. A. Daun,
	M. Wilson.

Teachers Employed.

Miss F. Hart, B. W. Crowell, W. C. Kyle.

Number of children reported between the ages of 4 and 18—Boys 180, Girls 131; total 311.

Salary of Teachers per month—males, $150; females, $90. Amount paid teachers, $1,440.

Amount of school money assessed under the revenue law of 1852, $1,013 88.

No money has been paid into the State Treasury for the support of schools, up to January 18th, 1853.

SIERRA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 75.

No reported schools have been organized in this county. The assessor has made no return to the Comptroller's office, of the amount of taxable property in this county.

SISKIYOU COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 90. No report has been received from this county. Amount of school money assessed under the revenue law of 1852, $239 49. No moneys have been paid into the State Treasurer's office for the support of Schools, up to January 18th, 1853.

SUTTER COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 62. No report has been received from this county. Amount of school money assessed under the revenue law of 1852, $309. Amount paid into the State Treasury for the support of schools, up to January 18th, 1853, $163 59.

SONOMA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—555.

School District.	*School Commissioners.*
Sonoma,	D. O. Shattuck, M. G. Vallejo, W. M. Boggs,
Santa Rosa,	W. Hudson, E. Elliott, M. Hudson.

School District.	*School Commissioners.*
Anally,	J. Churchman, T. M. Ames, K. Marshall,
Petaloma,	J. L. Tanner, Mr. Leffingwell, H. A. Hentzleman,
Bodega,	
Russian River,	

Teachers employed.

Mary Doty, William Edmonson, Hugh Marshall.

Number of children reported between the ages of 4 and 18,—456.
Salary of teachers per month, $50 and $75.
Amount paid teachers $1,093 62.
Amount of school money assessed under the Revenue law of 1852,—$822 39.
Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$577.
The County Superintendent remarks that "those townships or districts that have not reported have some two or three hundred children, and schools, but have not organized. Those that have reported have not organized properly, but have had schools nearly all of the time. Sonoma has had two and three the greater portion of the time."

J. A. REYNOLDS.

TRINITY COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—46.
No report has been received from this county.
Amount of school money assessed under the Revenue law of 1852,—$116 76.
No money has been paid into the State Treasury for the support of schools up to January 18, 1853.

School Districts.	*School Commissioners.*
Napa City,	J. M. Hamilton.
Middle District,	R. Gregg.
Upper District,	J. H. Seawell.
	C. Hopper.
	J. Gregsby.
	J. S. P. Smith.
	E. Kellogg.
	W. H. Nash.
	W. Haskins.

Number of children reported between the ages of 4 and 18—261.

The County Superintendent reports that "Schools have been taught in each district, but not in accordance with the law."

No other returns have been received; amount of school money assessed under the revenue law of 1852,—$644 52.

No moneys have been received at the State Treasurer's office for the support of Schools up to January 18th, 1853.

PAH-UTAH.

No organization of this county has been made under the provisions of the Act of May 3d, 1852.

PLACER COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 307.

No reported schools have been organized in this county in compliance with the statute.

Through the County Treasurer, I learn that "there have been kept in the county during the last School year, two schools. These were kept by female teachers, and the number of scholars taught in them as far as I can ascertain, was 15."

Amount of school money assessed under the revenue law of 1852, $683.

Amount paid into the State Treasury for the support of schools up to January 18th, 1853, $417 45.

SAN FRANCISCO COUNTY.

Number of white children in the county, as shown by the census returns of 1852, 2,282.

School Districts.	*Commenced.*	*School Commissioners.*
Rincon Point,	January 8, 1852,	S. R. Harris.
Happy Valley,	Nov. 17, 1851,	John Cotter.
Dupont Street,	Dec. 22, 1851,	M. Holland.
North Beach,	Nov. 17, 1851,	J. Wilson.
Clark's Point,	June 7, 1852,	H. E. Lincoln.
Spring Valley,	Feb. 9, 1852,	
Mission Dolores,	May 10, 1852,	F. Turk.
		R. O. Tripp.
		S. W. Sweasey.

TEACHERS EMPLOYED.

Males.	*Females.*
S. Western,	Mary S. Sibley,
W. H. O'Grady,	Abigail Hyde,
J. Denman,	Elmira W. Baldwin,
F. E. Jones,	Gertrude Brown,
J. H. Tracy,	Anna W. Millbury,
A. W. Cole,	Marietta Chadsey.
A. Rix,	
J. R. Nelson.	

The County Superintendent reports that "all the moneys expended for Common Schools within the year, were raised by special tax upon the real estate and personal property in the City of San Francisco. The residents of the several districts have paid their respective shares and received their share of the benefits. I extract from the City Superintendent's report to me, as to the general condition of the schools in the city. "The Schools above mentioned have all been continued from the date above specified up to the 1st of November. The teachers employed, were duly qualified and approved on examination, before commencing their services as teachers, according to law. All the returns required by the school law, have been made to me and placed on file. I have received no report from District No. 1, or Mission Dolores."

Number of children reported between the ages of 4 and 18,—

Boys,	1,158
Girls,	974
	2,132

Salaries of Teachers per Month.

Eight receive,	$150
Six "	100 and
One receives,	75

Amount paid Teachers,	$18,025 31
Total amount of expenditures,	23,125 25
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Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$1,045 75.

SAN DIEGO COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—282.

No report has been received from this County. The Assessor has made no returns to the Comptroller's office of the taxable property in this County.

SAN LUIS OBISPO.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—259.

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SANTA CLARA COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—1,776.

School Districts.	*School Commissioners.*
Alviso.	
Burnett.	
Fremont.	
Gilroy.	
Santa Clara.	
San José.	E. L. Beard.
Mission de San José,	David Howard.
	James Hawley.

Teachers Employed.

W. W. Brier.

No report has been received from either of these districts, except that of the Mission de San José.

The County Superintendent remarks that he appointed School Commissioners for the County according to law. "They met, and declared each of the several townships of this County, School Districts. I have received reports but from one. I do not think that any of the others have taken steps to organize."

Number of children reported between the ages of 4 and 18,—17.

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Amount paid Teachers, $187 50.

Amount of school money assessed under the revenue law of 1852,—$1,603 02.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$130 17.

SANTA CRUZ COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—287.

No report has been received from this County.

Amount of school money assessed under the revenue law of 1852,—$547 54.

No moneys have been paid into the State Treasury for the support of Schools, up to January 18th, 1853.

SANTA BARBARA COUNTY.

Number of white children in the County between the ages of 4 and 18, as shown by the census returns of 1852,—876.

No report has been received from this County in compliance with the law. By a letter from the Superintendent, it appears that a School has been kept in the town of Santa Barbara during the past summer and fall. The Teacher was a female, and received for her services $100 per month.

The number of children in the town is 347.

Amount of school money assessed under the revenue law of 1852,—$494 84.

Amount paid into the State Treasury for the support of Schools, up to January 18th, 1853,—$430 86.

SHASTA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 252.

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Amount paid into the State Treasury for the support of schools, up to Jan. 18th, 1853, $22 70.

The County Superintendent writes as follows; "I have to inform you that there has not yet been a school kept in this county in accordance with the school act, so as to entitle us to any of the School Fund. I shall, in the early part of the year, appoint Commissioners, and endeavor to organize Public Schools in this county, in accordance with the school law of this State.

P. F. TERBUSH.

SOLANO COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 673.

School Districts.	*School Commissioners.*
Benicia,	John Walsh,
Suisun,	J. Woodbridge, Jr.,
Vacavilla,	F. P. Madden,
	T. C. Maupin,
	W. Story,
	S. Marten,
	W. McDaniels,
	W. A. Daun,
	M. Wilson.

Teachers Employed.

Miss F. Hart, B. W. Crowell, W. C. Kyle.

Number of children reported between the ages of 4 and 18—Boys 180, Girls 131; total 311.

Salary of Teachers per month—males, $150; females, $90. Amount paid teachers, $1,440.

Amount of school money assessed under the revenue law of 1852, $1,013 88.

No money has been paid into the State Treasury for the support of schools, up to January 18th, 1853.

SIERRA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 75.

No reported schools have been organized in this county. The assessor has made no return to the Comptroller's office, of the amount of taxable property in this county.

SISKIYOU COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 90. No report has been received from this county. Amount of school money assessed under the revenue law of 1852, $239 49. No moneys have been paid into the State Treasurer's office for the support of Schools, up to January 18th, 1853.

SUTTER COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 62. No report has been received from this county. Amount of school money assessed under the revenue law of 1852, $309. Amount paid into the State Treasury for the support of schools, up to January 18th, 1853, $163 59.

SONOMA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—555.

School District.	*School Commissioners.*
Sonoma,	D. O. Shattuck, M. G. Vallejo, W. M. Boggs,
Santa Rosa,	W. Hudson, E. Elliott, M. Hudson,

School District.	*School Commissioners.*
Anally,	J. Churchman, T. M. Ames, K. Marshall,
Petaloma,	J. L. Tanner, Mr. Leffingwell, H. A. Hentzleman,
Bodega,	
Russian River,	

Teachers employed.

Mary Doty, William Edmonson, Hugh Marshall.

Number of children reported between the ages of 4 and 18,—456.
Salary of teachers per month, $50 and $75.
Amount paid teachers $1,093 62.
Amount of school money assessed under the Revenue law of 1852,—$822 39.
Amount paid into the State Treasury for the support of schools up to January 18, 1853,—$577.
The County Superintendent remarks that "those townships or districts that have not reported have some two or three hundred children, and schools, but have not organized. Those that have reported have not organized properly, but have had schools nearly all of the time. Sonoma has had two and three the greater portion of the time."

J. A. REYNOLDS.

TRINITY COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—46.
No report has been received from this county.
Amount of school money assessed under the Revenue law of 1852,—$116 76.
No money has been paid into the State Treasury for the support of schools up to January 18, 1853.

TULARE COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—36.

No report has been received from this county, nor has any assessment roll been returned to the Comptroller's office. It is not therefore known what amount of school money will be raised under the Revenue law of 1852 in Tulare.

TUOLUMNE COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852,—645.

No report has been received from this county.

Amount of school money assessed under the Revenue law of 1852,—$810 45.

No money has been paid into the State Treasury for the support of schools up to January 18, 1853.

YOLO COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 143.

No report has been received from this county.

Amount of school money assessed under the revenue law of 1852 $462 70.

No money has been paid into the State Treasury for the support of schools up to January 18th, 1853.

YUBA COUNTY.

Number of white children in the county between the ages of 4 and 18, as shown by the census returns of 1852, 271.

School Districts.	*School Commissioners,*
Marysville.	G. H. Wilder, H. Hawley, G. Bartlett.

Teacher Employed—John W. Howe.

Number of children between the ages of 4 and 18—Boys 78, Girls 60; total, 138.

The County Superintendent reports that "up to the present date there has been but one regular organized school within the county, notwithstanding there are probably some four or five hundred children."

Salary of teacher per month, $300. Amount paid teacher, $450.

Amount of school money assessed under the revenue law of 1852, $1,144 95.

No money has been paid into the State Treasury for the support of schools, up to January 18th, 1853.

APPENDIX C.

Communication and Report of Bishop Alemany, concerning the Catholic Schools in California.

San Francisco, *California*,
February 13th, 1853.

Respected Sir:—Having been absent from the State the great part of last year, I trust your kindness will condescend to allow me to lay now before you a report of the various schools kept by our Clergy and Sisters during last year. At the same time, I beg leave to ask you to aid us with your great influence, that the reported schools may not be altogether cut off from the public fund.

The will of the people throughout the whole Republic, is obviously to give such assurance and stability to education, as to have by law its doors thrown open to every child, to guaranty to all a school-house and a teacher, and to reward through the hands of its most prominent functionaries, such as devote their time, labor, and energies to the holy cause of education. The laws are nothing but the expression of the good will of the people, and the main object of the laws of education is to educate. Thus the schools shown in the accompanying report having substantially complied with the law, by laboring materially in the cause of education, I would respectfully ask of you the kindness of using your influence, towards a *pro rata* appropriation of the collected public funds, for the number of children taught in the schools, as shown in the report which I enclose for that purpose.

I have the honor to be,

Your humble and obedient servant,

† JOSEPH S. ALEMANY,
Bishop of Monterey, Cala.

Hon. J. G. Marvin,
Sup't Public Instruction.

Report of Schools kept up, and number of Children attending them during 1852.

In the City of Sacramento, Rev. John Ingoldsby kept a School, in which the common branches of English education were taught—children attending, - - - - - - 30

In San Francisco, Rev. Anthony Langlois kept a School, (Vallejo street,) in which the common branches of English and Spanish were taught—children attending, - - - - 75

In the same city, in Happy Valley, Rev. John Maginnis kept a School, in which the common branches of English were taught—children attending, - - - - - - 80

In the same place, Sister Francis, with other Sisters of Charity, kept a School, in which the common branches of English were taught—children attending, - - - - 75

In the Town of Santa Clara, Rev. John Nobili kept a School, where English, French and Spanish were taught under several teachers—children attending, - - - - - 50

In the Pueblo of San José, Sister Mary Cornelia, with other Sisters of Notre Dame, kept a School, in which English, French and Spanish were taught—children attending, - - 100

In the Town of San Juan Bautista, Monterey County, Rev. Anthony Auzar kept a School, in which Spanish was taught to children, - - - - - - - - 12

In the Town of Monterey, Rev. Sadoc Villarrasa kept a School attended by children, - - - - - - 35

In the same town, Sister Mary Goemaère with other Dominican Sisters, kept a School where English, French and Spanish were taught to children, - - - - - - 60

In the Mission of Santa Ynez, Santa Barbara County, Rev. Eugene O'Connell kept a School where English, Spanish and Latin were taught to children, - - - - - 12

In the Mission of San Gabriel, Los Angeles County, Rev. Francis Sanchez kept a School where Spanish was taught to children, 10

In the Town of Los Angeles, Rev. Anartetus Lestrade kept a School where English, Spanish and French were taught to children, 40

† JOSEPH S. ALEMANY,
Bishop of Monterey, California.

APPENDIX D.

The State Treasurer's Report of the School Fund on hand, January 19th, 1853, &c.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
Vallejo, Dec. 18th, 1852.

To the Hon. R. Roman, State Treasurer.

SIR:—

Be kind enough to inform me what amount of money or scrip has been paid into the Treasury for School Lands, and what amount of interest on the same will have accrued to the credit of the School Fund, on the 18th of January, 1853. Also what amount of money has been paid into the Treasury for the benefit of Schools under Article I, section 17 of "an Act to Provide for Levying and Collecting Public Revenue." An early answer is respectfully solicited.

Yours, &c.

JOHN G. MARVIN,
Sup. Pub. Instruction.

STATE TREASURER'S OFFICE,
Vallejo, Jan. 19, 1853.

To the Hon. John G. Marvin,
Superintendent of Public Instruction.

SIR:—

In answer to your letter of the 18th ult., I submit the annexed statement of amount due the "School Fund" to date.

Respectfully yours,

RICHARD ROMAN,
State Treasurer.

RECEIPTS INTO THE SCHOOL FUND.

DATE.	FROM WHOM RECEIVED.	3 PER CENT. BONDS AND INTEREST.	CASH.
June 15, 1852,	Treasurer of Placer County.		$115 01
28,	" Calaveras "		152 08
30,	" Nevada "		232 74
July 2,	" Yuba "		253 64
22,	" Placer "		58 05
October 9,	" Santa Clara "		130 17
16,	" Colusa "		47 04
20,	" Contra Costa "		413 34
November 18,	" Placer "		122 58
20,	" Sacramento "		1,993 00
December 15,	" San Joaquin "		1,045 75
"	" San Francisco "	$2,000 57	2,870 60
21,	" Contra Costa "		964 73
22,	" Monterey "		781 80
"	" Shasta "		22 70
24,	" Placer "		121 82
28,	" Klamath "		86
29,	" Nevada "		102 21
January 3, 1853,	" Sutter "		163 59
"	" El Dorado "		292 71
4,	" San Luis Obispo "		113 75
6,	" Butte "		116 84
14,	" Santa Barbara "		430 86
17,	" Sonoma "		577 00
18,	" Marin "		389 68
		$2,000 57	$11,512 55
	Less amount [illegible] viz:		
June 28, 1852,	Treasurer of Calaveras County, $152 08		
30,	" Nevada " 232 74		
July 2,	" Yuba " 253 64		638 46
		$2,000 57	$10,874 09
			2,000 57
	Amount received from Taxes,		$12,874 66

Sale of School Lands to January 1, 1853.

119 Warrants for 320 acres each,	- - - -	$38,080
399 " 160 "	- - - -	63,840
		$101,920

Amounting to $203,840 00, on which the interest due on the first day of January, 1853, amounts to $5,414 66.

STATE TREASURER'S OFFICE, Vallejo, Jan. 19, 1853.

APPENDIX E.

The Comptroller's Report in relation to the Assessments for School purposes, and the amount of School Lands sold up to January 17th, 1853.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
Vallejo, December 18, 1852.

To the Hon. W. S. PIERCE,
Comptroller of State.

Sir:—It is important to this office for me to be officially informed of the amount of the assessments for school purposes, in each of the counties of the State, under Art. I, Sec. 17, of an Act to provide for levying, assessing and collecting public revenue, passed April 23d, 1852; also the number of acres of School land disposed of under "An Act to provide for the disposal of the five hundred thousand acres of land, granted to this State by an Act of Congress, approved May 3d, 1852."

Please inform me also whether any lands or property of any description, has accrued to the School Fund under Art. IX, Sec. 2, of the Constitution, and "An Act concerning escheated estates," approved May 4th, 1852, or from any other source.

An early reply is respectfully requested.

Very truly, yours,

JOHN G. MARVIN,
Sup. Pub. Instruction.

COMPTROLLER'S OFFICE,
Vallejo, January 17, 1853.

Honorable JOHN G. MARVIN,
Sup't Public Instruction.

Sir:—In reply to the inquiries contained in your communication of the 18th ult., I have the honor to communicate the information therein solicited.

1st. Table A, showing the amount of School Tax assessed in the several counties for the year 1852, as far as returned, with the probable amount of delinquencies and deductions for commissions and mileage chargeable thereon.

2d. The quantity of 101,920 acres of land has been sold up to the 31st of December, 1852, inclusive, under the Act of May 3d, 1852, yielding the sum of $203,840; the interest on which at 7 per cent., from the date of sale, will be credited to the School Fund at the close of the fiscal year, and on all sums that may be received hereafter.

3d. Nothing has, up to this time, accrued to the School Fund from escheated estates—Act of May 4th, 1852.

Very truly, your obedient servant,

WINSLOW S. PIERCE,
Comptroller.

SCHOOL TAX ASSESSED FOR 1852.

Butte County,	$427 04
Calaveras "	404 22
Contra Costa County,	1,618 09
Colusi "	490 31
El Dorado "	915 90
Klamath "	32 69
Los Angeles "	1,128 00
Monterey "	773 31
Mariposa "	573 13
Marin "	466 59
Napa "	644 52
Nevada "	478 46
Placer "	683 00
San Francisco "	9,240 86
Sacramento "	3,616 01
Shasta "	322 77
Santa Cruz "	547 54
Siskiyou "	239 49
Santa Barbara "	494 84
San Luis Obispo County,	256 22
Sutter "	309 00
San Joaquin "	1,406 20
Santa Clara "	1,603 02
Sonoma "	822 39
Solano "	1,013 88
Trinity "	116 76
Tuolumne "	810 45
Yuba "	1,144 95
Yolo "	462 70
	$31,042 34
Deduct for deliquents, commission and mileage, 7 per cent.,	8,869 50
	$22,172 84

APPENDIX F.

A catalogue of Books belonging to the office of the Superintendent of Public Instruction.

A.

Adams F. A. Key to Examples for Practice in Written Arithmetic. 12mo, 1851.
Adams F. A. Arithmetic in two parts. 12mo. 1851.
Adams F. A. Frst Book in Arithmetic. 12mo, 1851.
Army, *See* Military Laws.
Ainsworth's Dictionary. 8vo, 1835.
Appleton D. Catalogue of Educational Text Book. 12mo.
Austed D. F. The Gold Seekers' Manual. 12mo, 1829.
American Quarterly Register. 8vo.
American Monthly Review. 8vo, 1832.

B.

Biot, J. B. An Elementary Treatise on Analytical Geometry, translated from the French by F. H. Smith. 8vo, 1851.
Bouvier, J. Law Dictionary. Vol. 1, 1839.
Butler, F. The Spanish Teacher. 18mo, 1849.
Bible Stories, or a Description of Manners and Customs peculiar to the East. 12mo.
Bache, A. D. Notices of the Western Coast of the United States. 8vo, 1851.

C.

Cleveland, C. D. Second Latin Book. 12mo, 1845.
Cleveland, C. D. Frst Latin Book, being the Author's Original First Lessons in Latin. 12mo, 1845.
Cleveland, C. D. Third Latin Book. 12mo, 1846.
Cleveland, C. D. First Latin Book. 8vo, 1845.
Constitution. The Constitution of the United States of America, by Hickey. 12mo, 1846.
Catalogue of the Students of Law in Harvard University from the establishment of the Law School to 1851.

Catalogue of the Students of Law in Harvard University, 1852.
Catalogue of the Students of Harvard College, 1852.
Catalogue of the Students of Harvard College, 1844.
Cicero, M. T. The Life and Letters of. 8vo, 1839.
Canada, Upper. Annual Report of the Normal, Model and Common Schools for 1851. 8vo, 1852.
California. Journal of the Legislature of 1852. 8vo.
California. Inaugural Address of the Governor of. 1852.
California. Governor's Special Message. 1852.
Cache, R. J. Address of. 8vo, 1847.
Chandler, J. R. A Grammar of the English Language. 12mo, 1848.
Cicero, M. T. The Political Works of, comprising his Treatise on the Republic, Laws, &c., translated by F. Barham. 2 vols. 8vo, 1841.
Commerce and Navigation. Report of the Secretary of the Treasury. 8vo, 1852.
Columbus, C. The Life of, illustrated by Tales, Sketches and Anecdotes. 12mo, 1851.
Colburn, W. Intellectual Arithmetic. 12mo, 1847.
Canada, Lower. Report of the Agricultural Society of. 8vo, 1852.
Common Schools. The Common School Journal. 11 vols. 8vo, 1838 to 1849.
Catalogues, Law. 8vo.
Catalogues, Miscellaneous. 2 vols, 8vo.
Catalogue of the Library of Harvard University. 8vo, 1834.
Catalogue. H. Bossange. 8vo, 1845.
Catalogue. Thomas Cowperthwaite, &c. 12mo, 1851.
Catalogue. Catalogus Senatus Academici in Universitate Harvardiana. 8vo, 1851.
California. The Statutes of, passed at the First Session. 4to, 1850.
California. Journal of the Senate and House, First Session. 8vo, 1850.
California. Report of the Debates in the Convention on the Formation of the State Constitution. 8vo, 1850.
California. The Statutes of, passed at the Second Session. 8vo, 1851.

D.

Democratic State Convention. Proceedings of, held in Sacramento City. 8vo, 1850.
De Salme, J. S. The British Empire in Europe. 8vo, 1787.
Doctor and Student. 8vo, 1787.

E.

Educational Tracts. 8vo.
Education. Report of Committee on, in Senate of California. By F. Soule. 8vo, 1852.
English Constitution. Historical Essay on. 8vo, 1771.

F.

Fremont, Col. Notes of Travel in California. 8vo. 1849.
Fowle, W. B. The Teachers' Institute, or Familiar Hints to Young Teachers. 12mo, 1849.
Fowle, W. B. An Elementary Geography. 12mo.
Fowle, W. B. The Common School Speller. 12mo, 1851.
Fowle, W. B. The Companion to Spelling Book. 12mo, 1850.
Frait, John. The American Speaker. 12mo, 1851.
Frait, John. A History of the United States for the Use of Schools and Academies.
Follen, Chas. A Practical Grammar of the German Language. 12mo, 1843.
Fables of Æsop, and others. 18mo, 1851.
Finance. Report of the Secretary of the Treasury. 8vo, 1849.
Florida. Acts to Establish a Common School System, and to Provide a School Fund. 8vo, 1849.

G.

Girard College. Fourth Annual Report of the Board of Directors of. 8vo, 1852.
Goldsmith. *See* Pennock.
Goldsmith's Natural History, abridged for the Use of Schools. 12mo, 1850.
Green, S. S. A Treatise on the Structure of the English Language. 12mo, 1851.
Green, S. S. First Lessons in Grammar. 12mo.
Good, J. M. The Book of Nature. 8vo, 1836.
Guy's Elements of Astronomy, and an Abridgment of Keith's new Treatise on the Use of the Globes. 30th edition, 18mo. 1851.
Goodrich, C. A. The Child's History of the United States. 12mo. 1851.
Graham, D. A Treatise on the Organization and Jurisdiction of the Courts of Law and Equity. 8vo, 1839.

H.

Harper & Brother. Book List, 1852.
Henry, James. An Address upon Education and Common Schools.—8vo, 1843.
Horatii, Q. F. Poemata. By Anthon. 8vo. 1830.
Horatii, Q. F. Cormina Selecta. 12mo, 1779.
Historiæ Sacræ. 12mo, 1850.
Holbrook, N. M. The Child's First Book in Arithmetic. 12mo, 1850.

I.

Ide, L. N. Catalogue of Books, Maps, Charts, and School Apparatus. 12mo, 1851.
Indiana. Eighth Annual Report of the Asylum for Educating the Deaf and Dumb. 8vo, 1851.
Illinois. An Act to establish and maintain Common Schools. 8vo, 1849.
Illinois. Biennial Report of the Superintendent of Common Schools. 8vo, 1851.

J.

Jaudon, D. The English Orthographical Expositor, 18th edition. 12mo, 1847.
Jarvis, E. Practical Physiology, for the use of Schools and Families. 12mo, 1848.
Johnston, J. Elements of Chemistry, for the use of Schools. 12mo, 1850.
Johnston, J. A Manual of Natural Philosophy. 12mo, 1851.
Johnston, J. Manual of Chemistry. 8vo.
Jordine, D. A Reading on the use of Torture in the Criminal Law of England. 8vo, 1837.

K.

Kimball, C. P. The San Francisco City Directory. 18mo, 1850.
Kentucky. Report of the Superintendent of Public Instruction, for 1851, 8vo.
Kingsbury, J. Lecture on Failure in Teaching. 12mo.
King, T. Butler. Report of. 8vo, 1850. 2 copies.

L.

Law Magazine, or Quarterly Review. 8vo, 1844, 2 vols.
Lockwood, R. A. Speeches of. 8vo, 1852.
Latrobe, J. H. B. Address delivered before the Reading Room and Societies of Saint Mary's College. 8vo, 1843.
Lord, J. A. A Modern History, from the time of Luther to the fall of Napoleon. 8vo.
Livermore, S. A Treatise on the Law, relative to Principals, Agents, Factors, Auctioneers and Brokers. 8vo, 1811.
Livermore, S. Dissertations. 8vo.
List, C. Outlines of Astronomy, on the leaves of T. G. Hall's Treatise. 18mo, 1846.
List, C. Outlines of Botany. 12mo, 1846.
List, C. Outlines of Natural Philosophy. 12mo, 1850.

M.

Mayhew, J. On Popular Education. 12mo. 1851.
Maps of the Western Railroad tributary to Philadelphia.
Message of the President of the United States. 1851.
MacFarland, W. H. Address to the Alumni of William and Mary's College. 8vo, 1847.
Mann, H. An Oration, delivered by. July 4th. 1852.
Marvin, J. G. Report of, as Superintendent of Public Instruction of the State of California. 8vo, 1851.
Marvin, J. G. An Act to establish a System of Common Schools in the State of California, and other acts providing for the revenue of the same, with Explanatory Forms. 8vo, 1852.
Marvin, J. G. First Annual Report of the Superintendent of Public Instruction. 8vo, 1852.
Maps. Description of Oregon and California, with a large and accurate Map. 18mo, 1849.
Mitchell, S. A. Atlas of Outline Maps. 4to. 1839. 2 copies.
Mitchell, S. A. Ancient Atlas, Classical and Sacred. 4to, 1851.
Maps. School Atlas. 4to, 1851.
Maps. Intermediate or Secondary Geography. 4to. 1851.
Map of Oregon and Upper California, from the Surveys of Fremont and others. 1848.
Mitchell, S. A. Maps of the World, on Mercator's Projection.
Mitchell, S. A. A new Universal Atlas, containing Maps of the various Empires, Kingdoms, States, and Republics of the World, comprehended in seventy sheets, and forming a series of one hundred and seventeen maps. 4to, 1849.
Michigan. Statutes of the State, relating to Primary Schools. 8vo, 1847. Two copies.
Michigan. Annual Report of the Superintendent of Public Instruction. 8vo, 1851.
Maine. Second Report of the Board of Education. 8vo, 1848.
Maine. An Act to Provide for the Education of Youth. 8vo, 1851.
Maine. Fifth Report of the Board of Education of. 8vo, 1851.
Massachusetts. Twelfth Annual Report of the Board of Education. 8vo, 1849.
Massachusetts. Thirteenth Annual Report, &c.
Massachusetts. Fourteenth Annual Report, &c.
Massachusetts System of Common Schools; being an enlarged and revised edition of the Tenth Annual Report. 8vo, 1849.
Mann, H. Lectures on Education. 12mo, 1850.
Meier, J. Porney's Syllabaire Francaise, or French Spelling Book. 12mo, 1850.
Manesca, L. The Serial and Oral Method of Teaching Languages, adapted to the French. 12mo, 1851.

Missouri. Acts relating to Common Schools. 8vo, 1851.
Military Laws of the United States, including those relating to the Army, Marine Corps, Volunteers, &c. 8vo, 1846.
Montagre, B. Selections, &c. 12mo, 1845.
Mitchell, S. A. Biblical and Sabbath School Geography. 12mo, 1849.
Mitchell, S. A. Ancient Geography, designed for Academies, Schools, and Families. 12mo, 1851.
Mitchell, S. A. An Accompaniment to Mitchell's Map of the World. 8vo, 1847.
Mitchell, S. A. A System of Modern Geography. 12mo, 1851.
Mitchell, S. A. An Accompaniment to Mitchell's Reference and Distance Map of the United States. 8vo, 1848.
Mitchell, S. A. An Easy Introduction to the Study of Geography, designed for the Instruction of Children. 12mo, 1851.
, S A. *See* Maps.

N.

New York. Annual Report of the Executive Committee of the State Normal School. 8vo, 1852.
New York. Report of the Board of Education on the Free Academy. 8vo, 1852.
Navy. *See* United States.
Nova Scotia. An Act for the Encouragement of Education. 8vo, 1850.
Nova Scotia. Report on the Schools of, for the year 1851, by the Superintendent of Education. 8vo.
Nova Scotia. Report of the Board of Education, Nos. 1 and 5.
Neuman & Barretti's Dictionary of the Spanish and English Language. 2 vols. 8vo, 1836.
New Jersey. Laws relating to Public Schools, with Instructions. 8vo, 1847.
New Jersey. Annual Report of the State Superintendent of Public Schools for 1849. 8vo, 1850.
New Jersey. Annual Report of the State Superintendent of Public Schools for 1850. 8vo, 1851.
New Jersey. Annual Report of the State Superintendent of Public Schools for 1851. 8vo, 1852.
New Jersey. Supplement to the Tax and School Laws. 8vo, 1851.
New York. Report of the Commissioner for embodying in a single Act a Common School Code. 8vo, 1852.
New York. Annual Report of the Superintendent of Common Schools. 8vo, 1852.
New York. Forty-fifth Annual Report of the Trustees of the Public School Society of New York.
New York. Annual Report of the Superintendent of Public Schools in the City of Brooklyn. 8vo, 1851.

O.

Ohio. Annual Report of the Secretary of State on the condition of Common Schools for 1850. 8vo. 2 copies.
Ohio. Teachers. 12mo, 1852.
Ohio. Western Review. 12mo, 1852.
Ohio. An Address delivered before the Union Literary Society of Miami University. 8vo. 1837.
Ohio. Annual Report of the Secretary of State on the condition of Common Schools for 1851. 8vo.
Ohio. The School Officer's Guide for the State. 8vo, 1842.
Ohio. The Ohio Journal of Education. 8vo, 1852.
Otis, H. G. Eulogy on A. Hamilton. 8vo, 1804.
Otterdorff. A Key to learning to read, write, and speak the German. 12mo, 1847.
Olney, J. History of the United States for the use of Schools and Academies. 12mo, 1852.
Oliver, B. L. Hints for an Essay on the Pursuits of Happiness. 8vo, 1818.
Outlines of American History for Families and Schools. 12mo, 1846.
Outlines of Roman History for Families and Schools. 12mo, 1846.
Outlines of Grecian History for Families and Schools. 12mo, 1846.
Outlines of the History of England for Families and Schools. 12mo, 1845.
Outlines of the History of France. 12mo, 1845.

P.

Pennsylvania. The Common School Laws of. 8vo. 1851.
Pierce, W. S. Annual Report of the Comptroller of California. 8vo. 1853.
Pennsylvania. Seventeenth Annual Report of the Superintendent of Common Schools for 1850. 8vo.
Pennsylvania. Thirty-third Annual Report of the Comptroller of the Public Schools of the city and county of Philadelphia, for 1851. 8vo.
Picot, C. Scientific Narrations, in French. 12mo. 1851.
Picot, C. Historical Narrations in French. 12mo, 1845.
Picot, C. Fleurs du Parnasse Français. 12mo, 1847.
Picot, C. Beauties of the French Drama. 12mo, 1845.
Picot, C. First Lessons in French. 12mo, 1851.
Picot, C. The French Student's Assistant. 12mo. 1851.
Preston, L. A Treatise on Book-keeping. 8vo. 1849.
Patents. Report of the Commissioner of, for 1849. 2 copies.
Patents. Annual Report of the Commissioner of, for 1848.
Public Documents. 2 vols. 8vo.
Pinnock's improved edition of Dr. Goldsmith's Greece. 12mo. 1846.
Pinnock's improved edition of Goldsmith's History of Rome. 12mo, 1851.
Pinnock's improved edition of Goldsmith's History of England. 12mo, 1850.

Parley, P. Tales about South America. 12mo, 1850.
Parley, P. Tales about Asia. 12mo, 1851.
Parley, P. Juvenile Tales. 12mo, 1851.
Parley, P. Winter Evening Tales. 12mo, 1851.
Parley, P. Tales about the Islands of the Pacific Ocean. 12mo, 1851.
Parley, P. Tales about Ancient Rome, with some account of Modern Italy. 12mo, 1851.
Parley, P. Tales about Europe. 12mo, 2850.
Parley, P. Book of Anecdotes. 12mo.
Parley, P. Tales about the Sun, Moon and Stars. 12mo, 1850.
Parley, P. Tales about Ancient and Modern Greece. 12mo, 1850.
Parley, P. Tales about Africa, 12mo, 1850.
Parley, P. Tales about the Sea, 12mo, 1849.
Parley, P. The First Book of History, 12mo, 1852.
Pardal. Nauveau Guide de Conversations Modernes, 12mo, 1846.
Phillip's, W. An Elementary Treatise on Mineralogy, 8vo, 1844.

R.

Report of the School Committee of the Town of Exeter, Rhode Island, 12mo, 1850.
Rhode Island. Report on the Condition and improvement of the Public Schools for 1845, 8vo, 1846.
Rhode Island. Report on the Condition and Improvement of the Public Schools, 8vo, 1852.
Rhode Island. Acts relating to the Public Schools, 8vo, 1851.
Register of all Officers and Agents, Civil, Military and Naval, in the service of the U. S., Sept. 1847, 12mo.
Richardson, C. A New Dictionary of the English Language, 2 vols. 4to., 1846.

S.

Smith, F. H. An Elementary Treatise on Algebra, 12mo, 1848.
Sampson, W. Essays, Tracts and Documents upon the History of the Law, 8vo, 1826.
Schubert, G. H. Mirror of Nature, translated from the German. W. H. Turner. 12mo, 1849.
Scott, W. Lessons on Elocution, enlarged by J. D. Johnson. 12mo, 1849.
Smithsonian Institution. Fifth Annual Report of the Board of Regents of, for the year 1850. 8vo, 1851.
Swan, W. D. The Primary School Reader, Part II. 12mo, 1851.
Swan, W. D. The Primary School Spelling Book. 12mo, 1851.
Swan, W. D. The Primary School Reader, Part I. 12mo.
Swan, W. D. Spelling Book. 12mo, 1851.
Swan, W. D. The District School Reader, or Exercises in Reading and Speaking. 12mo, 1851.

Swan, W. D. The Grammar School Reader, 12mo.
Swan, W. D. The Instructive Reader, 12mo.
Swan, W. D. The Primary School Reader, Part III.
Swan, W. D. The Young Ladies Reader, 12mo, 1851.
Swan, W. D. The Introduction to the Instructive Reader, designed for Schools, 18mo, 1851.

T.

Thomas, Cowperthwait & Co. Descriptive Catalogue of School Publications, 12mo, 1851.
Taylor, Z. Obituary Address delivered on the occasion of the Death of, 8vo., 1850.
Town, S. Analysis of the Derivative Words in the English Language, 31st edition, 12mo.
Town, S. The Fourth Reader, or Exercises in Reading and Speaking, 12mo.
Town, S. Speller and Definer, revised and enlarged, 12mo.
Town, S. The Third Reader, 8vo.
Town, S. The Second Reader, consisting of Easy and Progressive Lessons, 12mo.
Town, S. The Child's First Reader, 12mo.
Town, S. The Grammar School Reader, 12mo.
Testamentary Counsels and Hints to Christians on the Distribution of Property by Will, 12mo. 1845.
Todd, Johnson & Walker's Dictionary, 8vo, 1851.

U.

Upper Canada. Annual Report of the Normal Model and Common Schools for the year 1850, 8vo, 1851.
United States. A General Registry of the Navy and Marine Corps of, 8vo, 1848.
United States Statutes, at large, Little & Brown's edition, 8 vols. 8vo, 1845.
United States Laws of 1850, '51 and '52.
United States. See Constitution.

V.

Virginia. Acts concerning Education. 8vo, 1849.
Virginia. Second Auditor's Report on the State of the Literary Fund for 1850.
Verplank, G. C. An Essay on the Doctrine of Contracts in Law and Morals. 8vo.
Voorheis, J. S. A Catalogue of Law Books. 12mo, 1849.

Warren, S. An Introduction to Law Studies. 8vo, 1845.
Weed, A. H. English Grammar, Improved Edition. 12mo, 1850.
Weed, A. H. Parsing Book. 12mo.
Whitman, J. Lecture on Home Preparation for School. 12mo, 1846, 2 copies.
Whitney, A. Memorial against his Railroad Scheme.
Whigs. Proceedings of, in Chester County. 8vo.
Winchester, S. J. The Theatre. 12mo, 1840.
Wilmsen's Reader, or the Children's Friend, translated by W. Wells. 12mo, 1848.
Wisconsin. Laws of the State of, relating to Common Schools. 8mo, 1849.
Wisconsin. Laws of the State of, relating to Common Schools. 8mo, 1851.
Wisconsin. Report of the Board of Commissioners of the School and University Lands. 8mo, 1851.
Wisconsin. Second Annual Report of the State Superintendent of Public Instruction for the year ending Dec. 31, 1850. 8mo, 1851.
Wisconsin. Inaugeration of Hon. J. H. Lathray, Chancellor of the University of. 8vo, 1850.
Wisconsin. Third Annual Report of the Board of Regents of the University of. 8vo, 1851.
Wisconsin. Fourth Annual Report, &c. 8vo, 1852.
Wisconsin. Report of the Superintendent of Public Instruction, for 1851. 8vo, 1852.

[Document No. 62.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

IN RELATION TO

HARBOR OF SANTA BARBARA.

[GEORGE KERR, STATE PRINTER.

REPORT

IN RELATION TO THE HARBOR OF SANTA BARBARA.

The undersigned, to whom was referred the Assembly resolution in relation to the Harbor of Santa Barbara, has had the same under consideration, and respectfully begs leave to report as follows:

That after an attentive examination of the subject, the absolute necessity of the work, for the safety of life and property in the Port of Santa Barbara, requires the concurrence of the Senate.

Santa Barbara is the only port between Monterey and San Diego where vessels can remain to discharge their cargoes; but they are so exposed to certain gales, that commerce is seriously injured by the delay attending their discharge. Santa Barbara is one of the first ports to the southward of Monterey—it is the only one in the County of that name. Its inhabitants depend upon it for supplies; and it is one of the wealthiest in the southern portion of the State. At present, the merchants of that port sustain great damage in receiving their merchandise, which is frequently landed in a damaged condition in the surf, at the risk of the lives of the crews. And this danger is incurred, as there is no safe harbor for the distance of five hundred miles from which supplies can be obtained. These perils have kept an important agricultural section from advancing in comparison with other portions of the State—the danger to life and property preventing the development of resources attended with such risks. The people of that district have to lament the loss of their late District Judge, the Hon. H. Teft, who with five other persons was drowned in attempting to land at San Luis.

An improvement of the harbor that would protect the landing at Santa Barbara, would render the anchorage sufficiently secure to afford shelter to the *Mail* and Passenger Steamships which are constantly passing in sight of the port, as well as to the ships driven in to seek supplies of

wood, stores and water. The repeated wrecks which have occured upon the coast, attended with great loss of life and property, as also with immense suffering on the part of the survivors, are among the reasons that will induce the General Government to an early compliance with the joint resolution.

The *commerce* of the Port of *Santa Barbara* is not equal to justify the people of that section in constructing the work, unaided by the General Government, and the necessity of its contributing to the improvement of that harbor, for the reasons set forth, is sanctioned by its practice from its first formation.

ANT. M. DE LA GUERRA,
Senator from Santa Barbara.

Benicia, April 12th.

[Document No. 63.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

STATE LIQUOR GAUGER.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

STATE LIQUOR GAUGER.

To the Honorable the Senate
of the State of California:

In compliance with the resolution of the 9th inst., calling upon the Gauger of San Francisco for a report of the amount of moneys received from his office up to the 1st of January, the following is a statement from the 25th of May to the 1st of January, 1853, and includes moneys received from gauging that does not come under the provisions of the law:

Gross receipts within the time specified,		$5,313 00
Cash expended for fixtures and implements,	$800 00	
Rent of Office,	350 00	
Hire of Labor,	1,000 00	
Advertising, and other incidental expenses,	250 00	= 2,400 00
		$2,913 00
Paid Deputy Gauger,		1,400 00
		$1,513 00

All of which is respectfully submitted.

W. H. HOBURG,
Gauger.

San Francisco, April 12, 1853.

I do hereby certify, that the within account was subscribed and sworn to before me, this 12th day of April, 1853.

JOSEPH WINSTON,
County Judge of Solano Co.

[Document No. 64.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

SELECT COMMITTEE

TO

EXAMINE STATE PRISON.

[GEORGE KERR, STATE PRINTER.

REPORT

OF

SELECT COMMITTEE TO EXAMINE STATE PRISON.

MR. PRESIDENT.

The Select Committee appointed for the purpose of visiting the grounds of the present prison site, have performed the duty assigned them, and beg leave to report:

That they found the location, in every respect suitable for such a purpose, from the advantage that may be desired not only from the salubrity of the climate and purity of the water, but from many other causes.

The place is somewhat secluded, and will be easily guarded, and from the abundance of fine gneiss which has been quarried for the purpose of erecting the prison, there is every evidence that supplies can be had for building purposes sufficient for our cities.

The work that has been performed under contract with Mr. Vassault, consists of excavating and leveling for the site of the prison building. This we judge to amount to the estimate of the Surveyor General: 3,218 cubic yards, at $1 25 per yard, 4,022 50. The amount of gneiss stone, which we acknowledge to be of a very superior quality, and cannot be surpassed by any other material suitable for that purpose, fully equals the estimate of the Surveyor General, 500 cubic yards, and 13,500 feet of rubble stone, quarried and ready for use, which, at the rate of 37½ cents per cubic foot, would give $5,062 50. Some sixty or seventy window heads, cut from the stone and already for use, have not been enumerated in the estimate. There has also been 2,718 cubic yards of embankment, at $1 25 per yard, $3,397 50. Also, embankment across marsh, to reclaim the low land, 4,066 cubic yards, at $1 25 per yard, amounts to $5,832 50, and making the entire estimate of the work, $18,315 00.

The embankment across the marsh, reclaiming the low lands on the

west of the site, although making a large item in the claim of Mr. Vassault, might have been dispensed with at present. There is but little doubt the State has been the gainer by the work, and therefore we cheerfully recommend the payment of the claim.

As regards the plan in its general details, it is good; but a very large sum of money may be saved by confining the work to a plain substantial building, and divesting it of all such superfluities as Roman towers on the corners, which alone would cut down the estimate some thousands of dollars. We are not in a condition at present to lay out money in ornamenting a structure, that, in our opinion, would not only be more suitable, but stronger, without ornament. We recommend that the Commissioners who may have the superintendence of the work in future be required to accept none but the most plain and substantial plan for the prison.

Many persons have been led to believe that the present lessees of the prison labor are, to some extent, bound to erect suitable buildings for the accommodation of the prisoners; such is not the case. The State has provided by law for the building of a penitentiary, and the lessees have just cause of complaint that the State has not performed her part of the agreement. We look at this matter with an eye single to the importance of having a penitentiary, without carrying with us any of the prejudices which may have been engendered by the investigation of the law of last year; but look solely to the necessity of having a safe and secure place to confine the prisoners. At present they are lodged in a prison ship, from four to five in a room, and notwithstanding the cleanliness, care, and attention bestowed to make these unfortunate people comfortable, they present a pale, care-worn appearance, which must be imputed to the effects produced from so many persons being confined during the night in a ship, although it is well ventilated.

We are satisfied that a change is not only necessary for the health and comfort of the prisoners, but from the numbers which are now in keeping and daily increasing, and the insecure means now available for their security.

As regards food, it is plain and substantial; the bread is of a superior quality, and as good as any to be found on any table in this country. The quantity appeared amply sufficient, if one might judge from what was left on the table, after the prisoners had finished their dinner, of bread, soup, and meats. The fare which the prisoners get consists of—

1st. *Breakfast.*—Warm meats, coffee, potatoes, and bread.

2d. *Dinner.*—Soups of beef or beans—when soups are not furnished, pork and beans are substituted,—potatoes, bread, and rice. Roast beef always.

3d. *Supper.*—Cold meat, tea, and bread. When kept in doors, tea and bread only.

We inquired of the prisoners if they were well treated, and in all instances, they replied in the affirmative.

We are satisfied that those having them in charge do every thing in their power for their comfort: but when we come to reflect that one hundred and fifty seven persons are every night confined in a close ship, five in a small room but little over eight feet square, humanity alone should cause the State to push forward the work during the dry season, that these men, although criminals, should have their condition somewhat ameliorated at least.

We are informed that it is impossible for the guard to go down into the ship in the morning early, such is the impurity of the atmosphere.

It must be understood that the ship is as well ventilated as circumstances will admit of, and stern necessity compels those who have them in charge to adopt a method for their security, which must, in time, undermine the strongest constitution.

It would not be advisable or prudent to divide the number of prisoners into two or three squads, and place them at night in two or three ships. Such a method would give to the prisoners a great chance for escape; and how one hundred and fifty-seven men are now kept secure, with such means as the lessees have in their power, is certainly a mystery to us. Should these men overpower their guard and escape in a body, they would spread devastation throughout the country in which they are located. The necessity for some more secure place than that now made use of is apparent to a casual observer; but to one who carefully examines the matter, there can be but one opinion, viz: That the penitentiary should be commenced immediately, and a certain number of cells be completed in a given time, in the erection of which, they should be made to conform to a general plan, so that additions can be made, from time to time, harmonizing with the whole work.

As regards the present system of prison labor, we have only to say, that it has its faults and it has its merits. It no doubt interferes with independent labor in mechanical branches; but in this State its evils have not been felt to the extent that they have been in more populous parts of our country, and it is not likely that they will be for a number of years.

The good practical common sense habits of industry and self support of our citizens, had led them to consider it fundamentally important that our prisons should be made as far as possible, and as soon *as possible*, self supporting institutions, and this has led to the introduction of just those kinds of employment and occupation which are common and useful in society; and this has had, and must continue to have, an important bearing on the question, What shall be done for discharged convicts? One contractor in the prison in Charlestown testified before a committee of the Legislature of Massachusetts, that he had employed not less than fifty discharged convicts in his business during the last twenty years, and that he seldom had occasion to dismiss one for unfaithfulness. He employed men out of prison who had been employed by him in prison. This was the origin of the proceedings, and it enabled him to do it with some discretion and satisfactory results.

The same thing is the origin of similar efforts for the benefit of discharged convicts, whenever the ordinary and useful occupations which men pursue in the world at large are introduced in prison. Hence the benefit of employment in prison—not only to render the prison self supporting but reformatory. To secure these important ends, employment must be considered, fundamentally important in prison.

With these remarks relative to the subject, we respectfully submit this report, and a substitute to the bill introduced by Mr. Crabb.

J. R. SNYDER,
Chairman of Committee.

[Document No. 65.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF

SPECIAL COMMITTEE

TO

WHOM WAS REFERRED ASSEMBLY BILL IN RELATION TO WATER FRONT OF SAN FRANCISCO.

[GEORGE KERR, STATE PRINTER.

REPORT.

MR. PRESIDENT:

The Special Committee, to whom was referred Assembly Bill for an "Act to dispose of the interest of the State of California in certain property and to quiet the title thereto," respectfully report:

That in the opinion of your committee the bill does not make adequate provisions for the protection of the interest of the State to property of very great value. Nor does the bill sufficiently define the nature of the improvements proper to be made within the harbor of San Francisco, and material to the future commercial prosperity of that Port.

The narrow limits of the commercial portion of that city, as now existing, seems in the opinion of your committee to demand imperatively an extension of the Water Front. The incapacity for any person of moderate means, or possessing such means as in any other city would permit him prudently to carry on a commercial business to establish himself in trade under the enormous rents required to be paid; the large amount of profits necessary to be realized by those who do establish themselves under so great a weight of expenditure; falling indirectly upon the consumers throughout the State, point to a pressing necessity to provide additional room for the continued expansion of the great emporium of our State.

In doing so, the first great object of consideration should, in the opinion of your committee, be how to effect this, consistently with, and to the best advantage of the commerce of the port.

The Water Front as defined by the Act of 26th of March, 1851, and the soundings of the line of which was determined by the survey of Lt. Alden, of the U. S. Navy, during the present year, exhibit a depth of water totally inadequate to the safety of vessels usually entering from our Atlantic or foreign ports. By that survey, it appears, that along the point from Mason street, on the west, to Kearny street, the depth of water varies from 17 to

24 feet; from Kearny to Sansom 17 to 31½ feet; Sansom to Green street 18 to 38; from Green street, north of Clark's Point, to Folsom street, north of Rincon Point, 15 to 19½, and in one place near Folsom street, 24 feet. In a long extent of distance out, the soundings deepen but very little. Your committee believe that a determinate limit should now be adopted, placing the future front of the city where all classes of vessels may lie in safety; and that in place of the line of projecting points, as defined by the Act of March, 1851, the line of the front should be as direct as possible, consistent with the depth of water, in order to permit a free flood and ebb, divested of projections that produce eddies, and consequently deposit. Entertaining these views, with the hydrographic survey before them, your committee have, in the accompanying amendments to the Assembly bill, with map annexed, defined for the consideration of the Senate a Front Water Line, without regard to any previous lines made by any party, but solely regarding the depth of water, and probable effect of the ebb and flood of the tides. Within the limits reported herewith, by your committee, the soundings (outside of the limits, as defined by the "Act of March 1851,") vary from 13 to 42 feet; and in front of the line, between Clark's Point and Market street, 33 feet is the greatest depth inside the line herewith reported; whilst immediately outside the line herewith reported, the depth varies from 33 to 48 feet; and at one point 54 feet. The depth of water at the line defined by the Assembly Bill, in some places for long distances, has 19 to 24 feet only, and at other points 50 to 75 feet. With regard to the alleged injury of the harbor, your committee have, with much anxiety, examined this proposition. A direct line drawn from Rincon Point to North Point, leaves within it not one spot where a vessel of any large size can float at low water, if laden with the usual freight. Is it not, then, an advantage to commerce to provide for the unlading of vessels at a proper depth of water, and with secure and ample slips provided, extending so near to present water line, as to preclude the necessity for any change of the grade of streets, as more fully appears, as upon the accompanying map. The matter of revenue to accrue to the State by the disposition of this property, is but secondary in the consideration of your committee, however important to the State, in that relation. It would not be proper, for the sake of revenue, to do an act that we might conceive to have even doubtful propriety.

The City of San Francisco, her prosperity, as her adversity, is the common property of the people of this State. All good citizens feel a just sentiment of pride in the former, and none can surely be so debased as to desire the latter. Your committee, believing the extension proposed herewith to be necessary, have provided in the amendment to the bill for a permanent Water Front, with capacious slips for the uses of commerce, and for the sale of a portion only of the property during the present year, believing that only so much should be disposed of as is apparently demanded by the continual growth of the city, and the requirements of commerce at the present time. In the execution of a trust involving so large an amount of property, it is proper that the necessary checks be placed upon those charged with the duty. Your committee have endeavored so to arrange that portion of the bill, which relates to the execution of the law, as to relieve, in some measure, the responsibilities of the commissioners in their action.

If they fail to carry out to the *full* extent of the provisions of the bill,

the sales of the property of the State, by cons nce of these restrictions, less harm is done than by indiscreet action of a bare majority of commissioners unchecked, as in Assembly bill, unless the seeming dividory "two-thirds clause" be considered a check against donating the whole. Your committee respectfully recommends the amendment of that bill, by striking out all after the enacting clause, and inserting section one to twenty-eight, herewith submitted, with a recommendation that the bill be passed when so amended.

Two distinct lines of proposed extension have been traced upon the map herewith submitted. The provisions of the bill are in accordance with that presenting the smallest scale of extension on the eastern front of the city.

PAUL K. HUBBS, Chairman.

BENICIA, April 15th, 1853.

The undersigned, as part of the committee, dissent to the above report and the bill reported by the chairman, and for their reasons and views at large, refer to the reports heretofore made by them upon the same subject, from the Committee on Commerce and Navigation.

JOHN S. HAGER,
PHILIP A. ROACH.

[Document No. 66.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM

COMPTROLLER OF STATE.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE.

COMPTROLLER'S OFFICE,
April 14, 1853.

Hon. John Bigler, *Governor of California.*

Sir:—I have the honor to transmit the information required by your note of yesterday.

The annexed statement exhibits the condition of the Interest Tax Funds of 1851 and 1852, showing at this date a deficiency of $20,209 17, in amount required to liquidate the interest due on the Bonds issued under Act of 1852, the first of July next. Although this deficiency may be lessened by subsequent payments from several sources, still it will be impossible for them to reach the Treasury in time for shipment, so as to meet the necessity which exists for providing for the interest then due.

EXHIBIT.

Amount necessary to liquidate and pay the interest due July 1st, 1853, on the 7 per cent. Bonds issued under Act of April 28th, 1851, being $368,000 Bonds of 1851, 7 per cent.,		$12,880 00
Amount in the Interest Tax Fund of 1851,	$51,644 80	
Amount used in the redemption of $30,000 in March,	29,807 50	
Balance in said fund,	$21,837 30	21,837 30
The surplus in this fund, after the payment of the semi-annual interest, is specifically pledged to the redemption of the principal, after advertisement as required by law.		
Amount necessary to pay and liquidate the interest due July 1st, 1853, on the Seven per cent. Civil Bonds issued under the Act of May 1st, 1852, $1,008,000 Bonds, at seven per cent., is, say		34,000 00
Amount in the Interest Tax Fund of 1852,		13,790 83
Deficiency,		$20,209 17

By the provisions of section ten of Act to Fund the Indebtedness of the State, passed April 29th, 1851, the Treasurer of State is authorized and required to make such contracts and arrangements as may be necessary, for the payment of interest when due for the protection of the credit of the State, should there be a deficiency. The Act of 1852 does not contain such a provision. Should such an amendment be made to the latter Act, giving the Treasurer a discretion equal to the emergency, the necessity of borrowing at a high rate of interest to supply any deficiency of this character would be superseded.

With respect, I have the honor to be,
Your obedient servant,
WINSLOW S. PIERCE,
Comptroller of State.

[Document No. 67.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON INDIAN AFFAIRS,

RELATIVE TO THE CLAIM OF JAMES BIRNEY.

[GEORGE KERR, STA PRINTETER.

REPORT OF

COMMITTEE ON INDIAN AFFAIRS,

RELATIVE TO THE

CLAIM OF JAMES BIRNEY.

MR. PRESIDENT:

The Committee on Indian Affairs, to whom was referred the petition of Major James Birney, asking relief or pay for services performed as Paymaster of the Troops called into the field for the defence of our eastern frontier, under an Act of the Legislature passed March 17, 1851, have given the same their earnest and careful consideration, and a majority are fully satisfied that Major Birney was the legal Paymaster of the Troops recognized or called into service in defence of our eastern frontier by virtue of said Act of March 17, 1851: that he legitimately continued to act as such Paymaster, discharging faithfully all the duties of the office until the repeal of said law of March 17, 1851, to wit: until the third day of May, 1852; during which time he paid out in warrants to the Mariposa Volunteers $230,000, upon which he received three per cent., the compensation allowed him by law. In addition to the actual payments which he made as above, and upon which he received his legal per centage, your committee are satisfied, from the statement of the Comptroller and Treasurer of State, and other evidence before them, that Major Birney had, at the time of the repeal of the law creating his office, in his hands, as such Paymaster, a large amount of claims which the War Board had not examined and acted upon; and which, by the repeal of said law, and the passage of the Act of May 3d, 1852, entitled "An Act authorizing the Treasurer of the State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions against the Indians," were thrown back into the hands of the claim-

ants, to be presented for payment in a different manner under said Act of May 3d; and hence precluded said Paymaster from receiving his per centage upon said claims, subsequently audited and paid by the War Board.

Your committee have been unable to ascertain the amount of claims collected by said Paymaster prior to the 3d May, 1852; but from the Comptroller of State your committee have ascertained the amount of war claims audited and paid from the 3d May, 1852, to the 4th of April, 1853, under the Act of May 3d, 1852, is $309,074; of this amount, $20,775 has been paid to the Klamath, Trinity and Clear Lake Expeditions. These last expeditions were clearly not for the defence of our "eastern frontier," and hence not authorized by the law of March 17, 1851. This leaves $288,299 as the amount of claims audited since May 3d, 1852, and which accrued under the Act of March 17th, 1851.

A majority of the committee are clearly of the opinion that Major James Birney was the legitimate Paymaster to the Expeditions to which this last amount has been paid; and we have reason to believe, from the evidence before us, that Major James Birney, as Paymaster, in the legitimate discharge of his duties as such, collected a large amount of these claims, at an expense of much time and money, prior to the repeal of the law of March 17, 1851, on the 3d day of May, 1852; and that at the time of the repeal of said law, he, as Paymaster, held these claims in his hands, awaiting the action of the War Board: and that the repeal of said law precluded the possibility of his receiving any pay for the services thus performed, as Paymaster, under it.

Your committee are of opinion that said Birney has an equitable claim upon the State for the services thus performed, and regret that they have been unable to ascertain the exact amount of claims collected by said Paymaster, and in his hands at the time of the repeal of the law creating his office; and in the absence of any positive proof upon this point, they have taken the amount audited and paid by the War Board, between the 3d day of May, 1852, and the 4th day of April, 1853, exclusive of the Klamath and Clear Lake Expeditions, to wit, $288,299; and they recommend that the said Birney be paid three per cent. on the above amount, in the same manner as provided for the payment of expeditions for which he was Paymaster, and for that purpose report the following bill.

(Signed) R. T. SPRAGUE,
Chairman of Committee on Indian Affairs.

J. H. WADE.
M. M. WOMBOUGH.

[Document No. 68.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

ATTORNEY GENERAL

RELATIVE TO

AUCTIONEER'S TAX.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION FROM THE ATTORNEY GENERAL

IN RELATION TO

AUCTIONEERS' TAX.

ATTORNEY GENERAL'S OFFICE,
San Francisco, April 28, 1853.

GOV. BIGLER.

As requested by yours of the 23d instant, I have ascertained that the Merchants and Auctioneers, of San Francisco, have confederated together to resist the payment of taxes upon consigned goods, and also the provisions of the law relative to Auctioneers, so far as it pertains to the payment of any duties collected by them upon personal and real property sold by them as Auctioneers.

The District Attorney, Mr. Byrne, has been very industrious in his efforts to enforce the law, he called upon several Grand Juries with indictments prepared and the indictments have been ignored.

I addressed Messrs. Theodore Payne & Co. several interrogatories upon the subject of your letter, whose reply I forward with this. Messrs. Payne & Co. are the largest Real Estate Auctioneers in the city, and say they have always been ready, when called upon, to pay over to the proper officer the amount of auction duties in their hands. They say that there must be due from all the Auctioneers from $50,000 to $100,000. I think the last sum nearly correct.

I have directed the District Attorney to institute proceedings for the collection of this money, and as I have before suggested, the law should authorize the prosecution of delinquents, as to revenue in the capital county of the State, or in the counties where such delinquencies exist, at the option of the Attorney General for reasons which are obvious.

Yours respectfully,

S. C. HASTINGS,
Attorney General.

San Francisco, April 28, 1853.

S. C. Hastings, Esq.,

Attorney General,

Dear Sir:

In reply to your interrogatories of the 27th instant, we beg leave to present the following as our views, viz:

First. That the Auctioneers do collect duties upon sales of merchandize and real estate as prescribed by law.

Second. That the amount of "State duties," now due by the Auctioneers of this city, is probably not less than fifty thousand dollars.

Third. That the law passed April 23d, 1852, changing the rate of duties, and relative to sales of consigned goods, is deemed by Merchants and Auctioneers of this city, as unconstitutional in its provisions, and being so advised by counsel, await a legal decision before responding to the State.

We are with great respect,

Yours, &c.

THEODORE PAYNE & CO.

[Document No. 69.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

COMPTROLLER OF STATE

RELATIVE TO

FINANCES OF THE STATE.

[GEORGE KERR, STATE PRINTER

COMMUNICATION

FROM THE

COMPTROLLER OF STATE,

RELATIVE TO FINANCES OF THE STATE.

COMPTROLLER'S OFFICE,
Benicia, May 4, 1853.

To the Hon. Sam'l Purdy,
President of the Senate.

Sir:—I have the honor to transmit, in compliance with a resolution of the Senate of April 26, the annexed statement of the Receipts into the State Treasury from the several Counties in the State; and also the amount expended for the benefit of each County, since the organization of the Government.

Very respectfully,
Your obedient servant,
WINSLOW S. PIERCE,
Comptroller of State.

Total Receipts into the State Treasury, from the organization of the State to May 1st, 1853, from the following Counties.

Counties.	Second Fiscal Year, ending June, 1851.	Third Fiscal Year, ending June 30, 1852	Fourth Fiscal Year, up to May 1, 1853.	Total Receipts to date.
Butte County,	$512 43	$3,064 75	$3,291 73	$6,868 91
Colusi "		1,754 09	1,178 86	2,932 95
Contra Costa County,	9,854 57	9,690 04	9,159 40	28,704 01
Calaveras "		3,173 93	10,670 96	13,844 89
El Dorado "	1,200 00	8,643 93	27,035 52	36,879 45
Los Angeles "	10,037 02	10,593 32	9,354 53	29,984 87
Klamath "			549 62	549 62
Monterey "	16,355 60	9,135 61	5,821 55	31,312 76
Mariposa "	858 53		6,091 28	6,949 81
Marin "	4,553 50	4,402 03	3,014 68	11,970 21
Napa "	4,149 92	4,790 70	2,485 00	11,425 62
Nevada "		8,310 41	8,405 99	16,716 40
Placer "		8,941 61	17,798 95	25,840 56
San Francisco "	94,896 95	100,643 64	68,053 46	263,594 05
" " City, Gaming Tax,		14,250 00	12,112 50	26,362 50
" " Commis. Emigrants		24,391 25	68,995 40	93,386 65
" " Water Lots,		1,000 00	26,792 95	27,792 95
Sacramento County,	42,092 29	64,939 70	17,977 36	125,009 35
Santa Clara "	22,084 90	16,873 26	2,083 89	651 22
San Joaquin "	8,041 56	13,389 97	15,185 03	36,616 56
Santa Cruz "	4,948 36	7,903 23	146 30	12,997 89
San Luis Obispo "	2,667 74	2,245 65	1,353 13	6,266 52
Sierra "				
Siskiyou "			3,402 27	3,402 27
Santa Barbara "	5,086 87	3,621 26	3,430 34	12,138 47
Sonoma "	4,772 43	4,800 00	8,449 53	18,021 96
Solano "	9,580 99	6,897 35	7,392 19	24,000 53
San Diego "		8,910 50	595 11	4,505 61
Sutter "	4,772 38	1,000 00	2,781 02	8,553 40
Shasta "		5,185 56	429 27	5,614 83
Tulare "				
Tuolumne "		8,260 51	19,070 52	27,331 03
Trinity "		1,034 03	1,203 58	2,237 61
Yolo "	1,308 20	2,701 60	4,576 01	8,585 81
Yuba "	8,847 22	12,184 46	12,941 35	33,973 03

I certify the within to be substantially correct, as appears from records and files of this office.

Very respectfully,
WINSLOW S. PIERCE,
Comptroller of State.

Benicia, May 4, 1853.

[Document No. 70.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON EDUCATION.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON EDUCATION.

MR. PRESIDENT:

The committee, to whom was referred a communication from the Board of Education, dated Vallejo, January 20th, 1853, ask leave to make the following report:

Owing to the omissson in the School Law of last year, to create the office of County Superintendent of Common Schools, but prescribing his duties, a vital part of the law is inoperative, and requires legislative correction. The reports, therefore, made by the County Assessors to the Superintendent of Public Instruction cannot be regarded as official communications upon which to act in the distribution of school money.

Upon an examination of the School Law, your committee is of the opinion that it requires several amendments besides the one alluded to, which are set forth in the accompanying bill herewith submitted.

A considerable school fund has accumulated during the past year, and though the revenue of the same from all sources amounts to about $24,000, up to this date, yet your committee would not recommend a distribution of the money until another year. This would give time to the districts to organize their schools according to law, which in many instances has not been done; the money for distribution would be nearly double in amount, and could then be distributed with more equal justice to those districts entitled to it, and in our opinion would be productive of far greater benefits than if parcelled out in small sums now.

Your committee feels the responsibility of endeavoring to form a law that hall be just and equitable in its provisions, and of such vital importance as shat relating to Common Schools. By it, the parents of eighteen thousand t

children in the State are to be provided to some extent with the means of educating them ; and though the amendments to the School Law embodied in the bill may not be the best that could be devised, yet we submit them as those which seem to be adequate to make our legislation on this subject more perfect and effectual.

The Act to establish a system of Common Schools, passed May 3d, 1852, remains for the most part unchanged by the provisions of this bill, which is supplemental to the School Law. We therefore present it as an honest endeavor to perfect a simple but yet effective Common School System, and recommend its passage.

All of which is respectfully submitted.

J. C. McKIBBIN,
Chairman of the Committee.

[Document No. 71.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

The Committee on Federal Relations, to whom was referred "Joint Resolutions in relation to grants of lands by the General Government to aid in the construction of the Benicia and Marysville Railroad respectfully report the same back.

In view of the fact that there are other Railroads in California, now in progress of construction, as equally meritorious as the one under consideration, and equally demanding the fostering care of government, the committee cannot recommend the passage of the resolution in its present form. To develop the resources of the State, your committee think that the protecting hand of the General Government should be extended to every work of public improvement, in any manner tending to raise the value of the public domain, and to bring it into a position to be reached by the miner and agriculturist, so that the barren wilderness may become a garden of wealth, and the lands which are now useless and unproductive may be made to support a hardy and courageous population, and contribute their proportion to the immense and increasing wealth of the nation. Therefore they propose that the resolution be so altered, as to request the General Government to donate to every Railroad Company now, or hereafter constructed within the limits of this State, every alternate section of public lands upon the line of such road, and that if said road exceeds ten miles in length, and the requisite number of sections of vacant land are not situate upon its line, the Directors shall have the right to select the land from any lands of the United States, not sold or claimed under its pre-emption. The arguments in favor of such a donation, are so many and conclusive, and so self-evident to every reflecting mind, that your committee do not deem any further notice of them necessary.

In accordance with the above views, the committee ask the adoption of the annexed amendments.

Amount expended for the benefit of the several Counties in the State, since the organization of the Government up to May 1st, A. D. 1853, for per diem and mileage of the Members of the Legislature, salaries of District Judges, District Attorneys, for taking the Census, and for the transportation of Prisoners.

COUNTIES.	Per diem and mileage of Members of the Legislature.	Salaries of District Judges.	Salaries of District Attorneys.	Taking the Census.	Transportation of prisoners.	Total.
Butte,	$21,258	$7,000	$2,166	$1,920	$225	$32,569
Colusi,	8,814	7,000	2,166	216	268	18,464
Contra Costa,	10,540	5,500	1,916	960	50	18,966
Calaveras,	24,869	5,500	1,916	4,014	1,278	37,577
El Dorado,	31,632	8,750	2,566	1,272	2,072	46,292
Los Angeles,	33,226	11,000	2,666	1,688	1,519	50,099
Klamath,	6,228	7,000	1,166	1,056		15,450
Monterey,	14,325	5,500	1,916	1,824	175	23,740
Mariposa,	18,648	5,500	1,916	2,256	3,298	31,618
Marin,	3,800	5,500	1,916	350		11,566
Napa,	5,350	5,500	1,916	1,248	75	14,089
Nevada,	15,200	5,000	1,166	4,608	2,916	28,890
Placer,	11,316	5,000	1,466	1,712	600	20,094
San Francisco,	62,436	22,500	9,000	5,472	500	99,908
Sacramento,	51,100	18,375	2,966	4,552	1,442	78,435
Santa Clara,	22,310	5,500	1,916	2,090	234	32,050
San Joaquin,	39,400	5,500	1,916	2,400	1,925	51,141
Santa Cruz,	8,325	5,500	1,916	500		16,241
San Luis Obispo,	13,600	11,000	2,666	1,000	300	28,566
Sierra,	2,400	1,875		2,112	280	6,667
Siskiyou,	1,816	1,875		1,392	450	5,533
Santa Barbara,	22,700	11,000	2,666	1,488		37,854
Sonoma,	14,300	5,500	1,916	1,202		22,918
Solano,	10,600	5,500	1,916	1,718	50	19,784
San Diego,	24,432	11,000	2,666	832	1,100	40,030
Sutter,	10,800	7,300	1,666	528	160	20,454
Shasta,	12,394	7,000	2,166	1,260	763	23,583
Tulare,				2,448		2,448
Tuolumne,	37,800	5,500	1,916	4,672	3,165	53,053
Trinity,	10,380	7,000	1,166	2,432	1,472	22,450
Yolo,	7,810	7,300	1,666	1,184		17,960
Yuba,	16,600	7,300	1,666	3,248	729	29,543
Mendocino,				518		518
	$574,409	$230,275	$64,648	$64,172	$25,046	$958,550

I certify the foregoing statement to be substantially correct, as appears from records and files of this office.

Very respectfully,
WINSLOW S. PIERCE,
Comptroller of State.

Benicia, May 4, 1853.

[Document No. 72.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

[GEORGE KERR, STATE PRINTER

REPORT

OF THE

COMMITTEE ON FEDERAL RELATIONS.

The Committee on Federal Relations to whom was referred so much of the Governor's Message as relates to the Pacific Railway, and also Senate "Joint Resolutions instructing our Senators and Representatives in Congress in relation to a National Railroad," respectfully report back a substitute for the preamble and resolutions, and ask their adoption.

The committee have given the subject confided to them the most earnest attention, and have been induced to give their ideas at some length. No question of public policy has so much engrossed popular attention as the matter under consideration. During the past two years it has been the theme of the farmer, the miner, the merchant, and the statesman, and in fact, every class of humanity in our own State has been urging the adoption of this great work.

In the wisdom of a benificent Providence, the jurisdiction of this wealthy region of the West has been passed over to the American people, and its inhabitants now feel secure under the ægis of our national flag. It becomes the duty of the General Government to confirm the integrity of the Union, and to co-operate in every needed measure to render our Confederation perpetual. To effect this desirable result, and thus secure to the United States the vast wealth of the commerce of the Pacific ocean, a speedy, safe and healthful route of travel from the Mississippi to the shores of the Pacific, should be at once completed through our own territory. Nothing short of the gigantic enterprise a first class railroad can afford these indispensable facilities of transit to our population. Since the year 1849, the loss in coming to and returning from California over the several routes of travel, and the sickness and death from diseases contracted on the journey, are frightful to contemplate. Probably ten thousand per annum would, not more than suffice to meet this draft upon our people. In this brief space of four years, then, no less than forty thousand valuable lives have been sacrificed

to the pestilential and sickening influence of the routes of travel to which we are now subjected, in journeying from California to the Eastern States and returning. Scourge, pestilence and famine have decimated the ranks of the pioneers of California, and it does not seem that the fraction of mortality will cease, until we get a rapid route of travel through our own territory to the Mississippi.

The transportation of the mails by the most rapid routes, is another reason which renders it obligatory upon the General Government either to construct this railroad, or to furnish facilities towards its construction. The saving to the Government in the transportation of the mails, is almost an argument of itself of sufficient weight to justify its immediate construction. The evils of legislating for distant countries have ever been a fruitful source of discontent, wars and revolutions. It is impossible to adapt laws to the wants of a distant people, unless a rapid communication can be had with the central Government, and such communication in our own case can be had through the means of a railroad from the Mississippi river to the Pacific. With the facilities of travel which are now in use between New York and St. Louis, after the Pacific railroad is completed, travelers can pass from New York to San Francisco in one week, and from St. Louis to San Francisco in four days. With this facility then, the General Government would be as competent to legislate for the wants of California, as it was, ten years ago, for the State of Ohio. The connection would be a natural one, and easy to perpetuate. The distance to our National Capital at present by the routes, is immense. By way of Cape Horn it is nineteen thousand miles; a distance which would more than circle three-quarters of the globe on the equator, and more than circle the whole globe in the latitude of 38°, the parallel of San Francisco. If the distance from Washington to San Francisco by Panama or Nicaragua, were extended eastwardly on the parallel of Washington, it would reach the longitude of Pekin, in the Chinese Empire. The absurdity of legislating for the Chinese by our Government, even if we had the jurisdiction of the country, is too apparent to need illustration. Do the people of the East suppose that California will rest permanently satisfied with this lengthy, dangerous, sickly and roundabout way of reaching the Seat of Government? Their loyalty can be more firmly secured by the immediate construction of a railroad across our own territory. This will blend the interests of the East and West so closely together as to perpetuate the Union, and secure to it the commerce of the Pacific.

Another reason which renders this railway eminently national in its design, is the saving which it will render the Government on the score of a standing army. It has uniformly been the policy of our Administration to keep the standing army as small as possible, consistent with the security of the nation. With this road in operation, troops and munitions of war could be carried from New York to San Francisco in ten days, and then the necessity of supporting a large standing force on the Pacific would be obviated. The saving in this way in connection with the saving on the mail transportation, would be sufficient reason for the Government to build the railroad if no further reason existed. As a means of national defence to our western borders in case of war, the railroad should be immediately constructed.

There is another argument which appeals to our national pride to construct this highway of nations. The British Government have determined to build

a line of railway through the province of Nova Scotia, New Brunswick, the Canadas, East and West, from Halifax to Lake St. Clair, at a point opposite Detroit, the distance of sixteen hundred miles.

We have beaten our neighbors in clipper ships, swift steamers, and other useful notions. Shall we cede to them the palm of building the longest railroad on the American continent? Never! We will build the Pacific road, and while we boast of its being the longest railway on the American continent, we will add to our rejoicing that we make the world our tributaries, and shall ultimately secure to ourselves the vast wealth of Japan and the Indies.

The cost of the work seems to be the only objection to its prompt execution. The estimates of competent engineers upon the subject make the cost from sixty to one hundred millions of dollars. The largest of these estimates, or even two hundred milliens of dollars, should not delay the work an hour. As a matter of dollars and cents, there can be no doubt that the railroad will add five times the cost of it to the value of the public domain the day it is completed; and with all these and numerous other advantages to the Government, it might all be built without costing the Government a dollar.

There are numerous reasons why the work should be done as speedily as possible. Among these should be considered foremost the fact that we are losing and shall continue to lose ten thousand valuable lives annually, until the road is built. Next, the economy of pressing the work on with vigor. The loss of interest by protracting such a work is reason enough to use all possible exertions to complete it promptly. The Erie railroad, in the State of New York, is an example of the loss of interest from delay in the prompt execution of the enterprise. That road cost nearly double what it would have done if the work could have been prosecuted vigorously to its completion.

The income of this road to the States would be immense—not less than forty or fifty millions of dollars annually. It might be fifty years before the States obtained possession of it; but what a bond of union would it become to them, from the ties of interest alone! What internal improvements, what advantages of education, what wealth would it pour into every State of the Union! States which are now crippled with heavy debts would have a certain resource for their payment. The whole country would blossom as the rose under its magical influence!

The Erie and Champlain canals cost the State of New York thirty-five millions of dollars. Who can tell their value to the State? They have been worth five times their cost to the city of New York alone, and ten times their cost to the State of New York. Three times the cost of these canals will complete a single track from the Mississippi to the Pacific. And the influence of the canals on the prosperity of the State of New York is not a moiety of what would be the influence of this road when completed, upon the general prosperity of the Federal Union. Indeed, the advantages to the General Government, and to the separate States of the Union, are incalculable.

The committee would not advocate any particular route for a railroad. That plan which completes the road at the speediest period, is, by your

committee, considered the best. The discussion of a particular plan may clog the progress of the measure.

In consideration, the committee respectfully recommend the adoption of the accompanying Joint Resolutions.

JAMES W. COFFROTH,
Chairman.
B. F. KEENE,
JOHN H. BAIRD,
Committee on Federal Relations.

Joint Resolutions in relation to a Railroad from the Mississippi Valley to the Pacific Ocean.

Whereas, The increasing demands of commerce, mail transportation, and the emigration from one portion of the Union to the other, eminently require the construction of a Railroad from the Mississippi Valley to some point on the Pacific Ocean; and whereas, strenuous efforts were made by our Representativest without avail, in the last Congress, to procure the passage of a law for this purpose; therefore, be it

Resolved, by the Senate and Assembly, That the Legislature of California again earnestly urge upon the attention of Congress the subject of the construction of a Railroad from the great Mississippi basin to some point on the Pacific ocean.

Resolved, That the said Railroad, when completed, will be a highway and a thoroughfare for the nations of the globe, and will make all the principal maratime powers of the earth tributary to the United States.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means to procure the passage of a law embracing the objects contained in these resolutions.

Resolved, That his Excellency the Governor be requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress, to each member of the Cabinet, and to the Legislatures of the different States of the Union.

REPORT

OF THE

JOINT COMMITTEE

IN RELATION TO THE

CIVIL FUND.

A

REPORT.

MR. PRESIDENT:

The Joint Committee, to whom was referred the investigation of the subject relating to the Civil Fund due by the government of the United States to the State of California, beg leave to report as follows:

Early in the year 1846, an order was issued by Señor Don José Castro, then Commandant General of the Mexican troops in the Territory of California, which was intended to expel the great body of American settlers from the soil of California, and to exclude them from its borders forever.

This order of expulsion was received with deep dissatisfaction by our countrymen then residing in the territory, and they did not hesitate to meet it with a stern resistance.

Shortly after the publication of the order, a rumor gained currency that the Mexican authorities were organizing armed forces to prevent the passage of immigrants from the United States across the Sierra Nevada into California. Investigation demonstrated the truth of these rumors, and hostilities immediately ensued between the officers and troops of the Central Government, and the foreign population of California.

The "Bear Flag" was raised on the 5th of June, 1846, and the Declaration of the Independence of California was signed on the same day. From the date of this declaration, California became independent of the Central Government of Mexico; from that moment the whole of Upper and Lower California, bounded on the north by the Territory of Oregon, and on the south by the waters of the gulf of California, became free and independent. The Rancheros or native Californians taking little or no part in the revolution, and remaining quietly at home without molestation from either party. It is, therefore, apparent that the hostility entertained towards the United States lost us the whole of Lower California, whose pearl fisheries alone are valued at a million of dollars, and whose mountains contain the richest silver and copper mines yet discovered.

It may shortly be apparent that the navigation of the gulf of California is second in importance only to that of the Mississippi River.

On the 10th of June a battle occurred at Santa Rosa plains, between the regular soldiers of Mexico under a Mexican officer, and the revolutionists under Lieut. Henry L. Ford, when the Mexicans were defeated. A skirmish occurred in a few days afterwards, at or near the present site of the city of Vallejo, with a similar result. The Mexican authorities had a revenue cutter then in the bay of San Francisco: it was speedily driven to sea by a small sloop of war, hastily arranged to carry three guns, and belonging to the revolutionists. A strong evidence that the native population of California, sympathized with the insurgents and acquiesced in the proposed change of government, was exhibited by the fact, that no collision occurred between them.

At this period, all the cavalry belonging to the Mexican Army in Upper California had been captured, and the officers of the Mexican Government had departed from Santa Clara on their way south, followed by the Revolutionists, without any opposition from the native population.

There were captured by the revolutionists at Sonoma nine pieces, and at San Juan six pieces of artillery, together with three hundred head of cavalry horses and six hundred head of beef cattle, all of which were turned over to the United States officers.

It will be recollected that no notice of the war then pending between the United States and Mexico, had reached this country; consequently, the revolution, which had taken place in California, was not instigated or incited by the war existing between the two countries. It was, on the contrary, a spontaneous uprising of the American settlers in resistance to the tyrannical order of the military representative of the Central Government.

Your committee desire to call particular attention to the condition of the country and the state of the public mind after the successful termination of the revolution of the 5th June, and until the flag of the United States was hoisted in Monterey in the month of July, 1846.

During this interval, there is abundant proof that the condition of the country was quiet and peaceable, and that the native population fully approved of the revolutionary movement which had relieved them from the tyranny of the military myrmidons of the Central Government. This state of peace and harmony continued until the flag of the United States was raised at Monterey, hostilities were then resumed. The native population, who, during the revolution, had generally maintained a neutral position, now became alarmed;—they flew to arms, and entered the field against the forces of the United States. They defeated Gen. Kearny at San Pasqual, and only yielded to a superior force, which subsequently encountered them at or near Los Angeles. In these conflicts between the United States troops and the native population, the revolutionists—comprising the old American settlers—numbered six hundred men, with an abundance of munitions of war; and they would have been fully able to have retained possession of the country and organized an Independent Republic. As we have already remarked, there was among the native population little or no objection to such a change, whilst a settled hostility was manifested among them to the Government and Institutions of the United States.

It might be urged, by those unacquainted with the history of our State, that it could not have maintained an independent position, and would have been compelled to have sought the protection of the United States, or some

other strong power. But those who are acquainted with the mineral wealth of the State of California, fully appreciate her strength, and are aware that she could have resisted successfully the combined armies of the civilized world.

If a combination, able to precipitate one hundred thousand men on the shores of California, could have been formed by the commercial States of Europe, and the landing had taken place, it is perfectly apparent we would only have had to issue a circular, granting to each soldier the freedom of the mines—offering him a spade for his musket and a pick for his bayonet, when he would have quietly withdrawn from the tyranny and oppression to which he was subject, and united with the hospitable people who had never injured him, and who could offer him the easy acquisition of wealth, freedom and happiness. Thus would we have been strengthened, instead of being weakened, by any attempt to have invaded or injured us.

Producing as we do the precious metals as an exchange for manufactured articles, there would have existed great rivalry between the United States, England, France and Germany for our trade; in return for which, they would have been supplied with gold in great abundance. It is therefore apparent, that we would have been courted—nay, caressed—by the whole commercial world.

Standing even as we do at present, we exercise very considerable influence on monetary affairs.

It will be recollected, that a few months ago one of the semi-monthly packets was telegraphed from New Orleans to have had on board but one million seven thousand dollars. Stocks immediately fell, and to a very considerable amount. The vessel reached New York, and was found to have on freight near three millions. Stocks rallied, and "all went merry as a marriage bell."

Your committee are unwilling to dismiss this part of the subject without confessing the secret pleasure they enjoy at seeing these heavy shipments go by every steamer; to cheer those whom we have left behind, and add to the wealth and prosperity of the land of our birth. Yet we can but feel mortified at the treatment we have received at the hands of the General Government. She seems to think that we exist only to be plundered. We ask for redress, but our voice is so feeble that we cannot even arrest the attention of those who have taken our money without law. They even feel annoyed at our importunity. If taken by authority of law, we would be obliged to those skilled in the profession to point us to the page. If they can do so, that settles our claim, and is decidedly the easiest method for the United States to convince the world she does not owe it.

It will be seen, by reference to the letter of Captain H. W. Halleck, marked A, and attached to this report, that money used from this fund was always considered as a loan. Captain H. says, "the loan was made to the Navy at the request of Commodore Jones, but how much of it was expended is not known. Nor is it known that any arrangements have been made for refunding the sum of $3,500, transferred to Lieutenant Warner. All these items should be charged on your books as belonging to the Civil Fund." It will be further seen, by reference to the letter of Capt. Halleck, marked B, and attached to this report, that he held the same opinion near the close of the year 1849.

If there be any still in doubt as to whom this fund belongs, it will be speedily removed by reading the following letter addressed to me as chairman of the Joint Committee, and examining the account attached.

BENICIA, California, April 5, 1853.

SIR:

In compliance with your letter of 31st ult., I respectfully submit the following statement of the amount of money received by me through the Custom Houses of California, usually designated as the "Civil Fund," together with a statement of the disposition of the same in the aggregate.

I received from officers of the Army who had been entrusted with the safe keeping of this fund prior to my entering upon duty in California, on the 1st of July, 1849, -	$396,298 13
From the Collector at San Francisco, subsequently, -	619,957 54
	$1,016,255 67

which sum I have always considered as having a three-fold character, being subject to three classifications, viz:

First—That portion of the revenue collected during the military occupation of the country and prior to the treaty of peace, by Collectors appointed by the Military Governor of California.

Second—That portion collected after the treaty of peace and prior to the appointment of a Collector by the President of the United States.

Third—That portion collected after the appointment of the United States Collector, and prior to their arrival and entering upon duty in California. These distinctions, however, were not made by the Collector; or if made, never reported to me: and it was information which I had no right to demand, my duty being simply to receive, from time to time, the amount collected, and receipt for the same.

The disbursement of this fund has been as follows:

On account of the Civil Government of California, -	$162,236 27
Expended for the relief of Emigrants in 1849, - - -	100,000 00
Turned over for disbursement to the senior officer of the United States Topographical Department, - -	4,445 00
To the same officer of the United States Pay Department,	27,000 00

And the remainder was expended in the Quarter-Master's Department.

These expenditures were made under the orders of General Persifer F. Smith, commanding the Pacific Division, and of General Riley, while acting as Civil Governor of California.

No United States Treasury Warrants were ever drawn on this fund, and no obstacle was interposed to its disbursement by the Government of the United States.

Regular accounts were rendered quarterly by me of the disbursement of this money, to Governor Riley, who repeatedly advised me that he regarded

the amounts expended in the Military Departments of the General Government as a loan to the Treasury of the United States.

I am, very respectfully,
Your obedient servant,
ROBERT ALLEN.

Hon. J. M. ESTILL, Senate of California,
Chairman of Joint Committee on Civil Fund.

Your committee are of opinion that this claim has been neglected, until the United States have come to the conclusion that it does not belong to us, or like a near relative owing an old debt, conceives it an insult to be reminded of the obligation. As age will add to the offence of asking and materially to the difficulty of obtaining what we conceive to be our just rights, we hope no more time will be spent uselessly, but this claim will be pressed with all the energy its importance demands.

The United States officers in California conceded this fund belonged to the State. That opinion being universal, the members of the convention, who framed the constitution, inserted a clause that the legislature could not create a debt over $300,000 without restrictions. After its adjournment, it was ascertained our funds had been seized by the General Government, and thus we were forced into bankruptcy, the first year of our existence, and by the parent whose duty it was to have sustained us.

By this act we have been compelled to issue bonds, wholly unconstitutional, to pay two prices for every service rendered the State, and for all the purchases necessary to carry on the government, even to the sheet of paper on which this report is written.

In conclusion, your committee would make the following suggestion for the consideration of Congress. *Without law* you compelled us to pay customs for nearly two years, if you refuse to return it, we ask that the money now being collected *by law* be ordered to be paid into the State Treasury for the same length of time.

(LETTER A.)

STATE DEPARTMENT OF CALIFORNIA,
Monterey, August, 22, 1849.

Major:

In compliance with your request of the 18th inst., I transmit herewith copies of reports from Captains Folsom and Marcy, and Lieutenant Davidson from which you will be able to ascertain the amounts due the "Civil Fund" from the military department of the government. The sum of $6,200 transferred by Capt. Folsom to Capt. Marcy was for Civil purposes, and has been accounted for by him as such.

The $10,000 transferred to Major Hardie was for raising troops in Oregon, but very little of it was so expended, nor so far as is shown by the records of this office, has it ever been restored to the Civil Fund.

The $10,000 transferred to Purser Forrest was for paying the expenses

of bringing immigrants from Lower California. The loan was made to the Navy at the request of Com. Jones, but how much of it was expended is not known. Nor is it known that arrangements have been made for refunding the sum of $3,500 transferred to Major Rich, and the sum of $200 transferred to Lieut. Warner, all these items should be charged on your books as due the "Civil Fund."

It appears from Lieut. Davidson's accounts, enclosed herewith, that he transferred to the Quarter-Master and Commissary's Departments $10,804 50; but as his accounts have been sent to Washington, I do not know how much to each, nor the dates of the transfer. As Lieut. D. is in your vicinity you can get these items from him. It appears from the enclosed copy of a letter from Capt. Ingalls that he has received $869 70 of "Civil Fund" from the Collector of San Pedro. It does not appear from the records of this office, that any authority or permission was ever given for the transfer; nor was it known here that the money had been so transferred till the receipt of Capt. I.'s letter on the 21st of June last. In addition to the items mentioned in Capt. Marcy's report, that officer has loaned from the Civil Fund the following sums:

1848.

August 17, to Capt. Lanman, U. S. Navy,	$50 00
September 30, do. do. do.	60 00
October 13, do. do. do.	500 00
August 30, to S. E. Woodworth, do.	100 00
April 12, to Col. R. B. Mason, Army,	2,500 00

None of this money has ever been returned or accounted for, and it should therefore appear on your books as due the Civil Fund. The amount of "Civil Funds" in the hands of Lieut. Davidson, December 31, has been paid over to Captain Kane. Very respectfully your obedient servant,

H. W. HALLECK,
Brevet Captain and Secretary of State.

Major R. Allen, Treasurer, Benecia.

(LETTER B.)

State Department of California,
Monterey, October 8, 1849.

Major:

It appears from Major Fitzgerald's account that J. L. Folsom has retained the sum of $9,782 27 from the Civil Fund for which he has rendered no account. As no authority was given him to retain any of this fund, the amount will be charged to him on your books.

It appears from the same account that $86,460 34 was transferred to the Quarter-Master's Department on the 30th of June last. It should be charged accordingly. Very respectfully, your obedient servant,

H. W. HALLECK,
Brevet Captain and Secretary of State.

Major R. Allen, Civil Treasurer, San Francisco, California.

[Document No. 74.]

IN THE SENATE.] SESSION OF 1853.

ANNUAL REPORT

OF THE

ATTORNEY GENERAL OF THE STATE.

[GEORGE KERR, STATE PRINTER.

ANNUAL REPORT

OF

THE ATTORNEY GENERAL OF THE STATE.

ATTORNEY GENERAL'S OFFICE,
San Francisco, Jan. 10, 1853.

To his Excellency JOHN BIGLER,
Governor of the State of California:

As required by law, I proceed to report the condition of the affairs of my department, and briefly to make such suggestions as appears to me calculated to improve the Laws of the State.

From the want of an early and general distribution of the Laws enacted at the last session of the Legislature, much confusion has existed in remote localities of the State in the administration of the laws, and much of my time has been required in responding to applications from officers of every grade, for information relative to their duties. To obviate this difficulty in the future, I suggest that provision should be made by law for the publication of every statute which shall hereafter be enacted, immediately after it shall receive the approval of the Executive.

My attention was directed soon after the adjournment of the last Legislature, to the statutes concerning escheated estates, and especially to the valuable estate of the late William A. Leidsdorff, who died intestate in the city of San Francisco, in May, 1848.

Leidsdorff was a native of the island of St. Croix, Danish West Indies—a naturalized citizen of the United States, and also a naturalized citizen of Mexico, and at his decease was possessed of real estate in and out of San Francisco, without heirs living within the jurisdiction of this State.

Two questions were presented: First, Can the heirs of Leidsdorff, being aliens, inherit? Second, Are these heirs claiming to inherit this estate?

In the investigation of these questions, I have made a careful and thorough examination of the laws in force in this country before the adoption of our present system: that aliens, heirs, can inherit in Mexico, and in most countries, if not all, where Spanish civil laws prevail, I think there cannot be a doubt.

In the case of Phillips *vs.* Rogers, et al., First Condensed Reports Supreme Court Louisiana, 443, Judge Martin, in delivering an elaborate opinion upon this question, says, "Nothing in the laws of Spain or of her colonies appears to us to exclude aliens from the inheritance of real estate."

Such was the law of Mexico before the republic, and from the most reliable information I can obtain, the laws of the republic are more liberal to foreigners in acquiring and inheriting real estate than were the laws and decrees of Spain and the Provinces. Upon this question, Mariano Galvis, a distinguished Mexican lawyer, with whose opinions I have been favored, answers:

"The succession of Leidsdorff, being a naturalized citizen, must be regulated the same as that of any other Mexican citizen; consequently, the *mother* of the deceased, he leaving no legitimate children, becomes the heir *ex testamento*.

"The fact of the heir being an alien could not affect this result. If Leidsdorff had made a will, he might have bequeathed two-thirds of his property to any other person, but having died intestate, all of his property descended to his mother without any incumbrance or condition.

"If California had continued a Mexican Territory, the heirs would have been obliged to remove into the republic, or to sell her real estate within two years from the time the succession was determined or decided upon."—*Act* 8 *of the Decree of March* 11, 1842.

That there is an heir to this estate now residing in the island of St. Croix, has been proved by the depositions of several living witnesses of that island, and by witnesses who are now citizens of this State, and who had for many years previous to the decease of Leidsdorff been acquainted with him and his family.

I have, therefore, not thought it advisable to institute proceedings, under the provisions of this Act, against the tenants of the property of which said Leidsdorff died seized.

In the several actions in our Courts relative to the collection of taxes assessed against vessels whose owners are non residents of this State, the State has been successful. There are yet pending in the Circuit Court of the United States, three actions against the Collectors of Taxes, restraining them from collecting the taxes assessed against the vessels, on account of the non-residence of the owners, and the allegation that they have paid taxes in other States on the same property.

The home ports of these vessels are within our waters, and for their protection, as well as all the property and materials incident to them, the owners look to our laws; and it has been suggested, with perhaps more reason than prudence, that until the owners will pay the taxes assessed against this kind of property, they should be forbidden the protection of the courts of this State.

By direction of the State Comptroller, I have commenced an action in behalf of the State in the District Court of the Fourth Judicial District,

for the recovery of the beach and water property of the city of San Francisco, believing it to be rightfully the property of the State. The action is now pending against the city, the Commissioners of the Funded Debt, and a large number of individuals who purchased a portion of it at sheriff's sales, on execution in favor of one Peter Smith against the city. The property is supposed to be worth over one million of dollars, and that which was purchased on the execution was sold for a nominal price, compared with the real value. Upon an examination of the rights of the State to this property, I cannot doubt the ultimate success of the action.

The relinquishment of the State to the city of San Francisco of the use and occupancy of this property by Act of February 26th, 1851, was upon conditions such as not to invest the city with rights liable to seizure upon execution. It will be seen by reference to the sixth section of this Act, the State reserved the right to regulate the construction of wharves and other improvements, so that they shall not interfere with the shipping and commercial interests of the bay and harbor of San Francisco.

Under this section, I think the State has the right to dispose of all of the unsold beach and water property, for the purpose of appropriating the proceeds to the improvements of the harbor; and I would suggest that it would be wise policy on the part of the State to sell all of this property, and appropriate the proceeds to the construction of a permanent bulkhead on the water front of the city. Unless this be done, it is evident that the harbor will soon be greatly injured by the filling in of beach and water lots, if not ultimately destroyed, where a good anchorage and harbor is most required.

The Act "in relation to the city of San Francisco, passed May 1, 1851," should be immediately repealed. The conditions as specified in this Act never have been complied with by the city, and the object and intent of this law are so iniquitous, that it is not probable that the city ever would accept the grant from the State with the odious conditions proposed.

I deem it my duty to suggest a few amendments to the laws regulating practice in civil and criminal cases; observing, that experience admonishes that in these laws there should be as little alteration as possible.

The law requiring special terms of the Supreme and District Courts should be repealed, as it is neither observed by the Supreme or any of the District Courts, except those of the Fourth Judicial District.

The statute which authorizes some Judges of the District Court in their districts to appoint the time of holding courts, should be repealed, and the time and terms of their courts fixed by law, as the Constitution has wisely provided that the time and places of holding the several District Courts of this State shall be provided for by law.

So much of the Civil Practice Act of 1851, viz: sections 501, 502, and 503, title 14, of Costs, pages 129, 130, of the Statutes, allowing the costs therein specified, should be repealed.

The fifth clause of section 362, chapter 1, of an Act to regulate proceedings in criminal cases, of 1851, should be repealed, restoring to the counsel for the people the right of concluding the argument to the jury.

In criminal trials, the statutes should permit a greater number of challengers in behalf of the people, or a less number in favor of the defendant, and should be so amended.

The 162d section of the above Act should be amended so that the tes-

timony rendered in writing as a deposition by the magistrate, or under his direction, should be read on the trial, whether taken by questions and answers or not. This amendment is required to prevent nearly half of the criminals from escaping on trial for want of testimony against them.

The number of criminals now in the possession of the lessee of the State Prison, is one hundred and forty seven, and is continually increasing. Many of these convicts are the most desperate villains in the world, who, if let loose upon society, would commit crime to an extent that would cause further exhibitions of a law-abiding people rising up and taking the law in their own hands, and administering punishment without trial in the most summary manner. Too much commendation cannot be awarded to the lessee for his vigilance, which he has used in securing these convicts during the past year. I have heard of but one escape.

This I consider remarkable, under the circumstances; there being no prison cells, and no other place to confine them but a prison ship. As the number of the convicts increase, so will be afforded greater opportunities of escape. By their greater force and desperation, they will soon be enabled to overcome any ordinary guard that may be placed over them. To convict criminals and not to punish them, is but a mockery; it seems, therefore, imperative upon the Legislature to authorize the construction of prison cells, and such other parts of a penitentiary, as will secure them from possibility of escape.

The Act of May 3, 1852, concerning the disposal of the 500,000 acres of land, should be amended. It should be made the duty of the Governor, immediately after the Government surveys, to report to the proper department all such lands located under said Act, which fall within the surveys, as being lands which are selected by the State of California, under the Act of Congress, 1841.

The manner of issuing and form of patents should be prescribed, and the clause of the law which prevents any one person from purchasing land warrants for more than six hundred and forty acres, should be repealed, being inconsistent with the clause which makes these warrants transferrable.

There should be enacted a statute for the quieting of equitable titles to real estate; providing that an action may be instituted by any claimant to real estate against another claimant, to ascertain which has the superior equity or right to the possession of the premises, and providing for the protection of such equity or right.

Also, an Act concerning occupying claimants to lands; providing that where a person has settled upon the lands of another under color of title, in good faith, he shall not be evicted therefrom, without compensation for at least two-thirds of the value of the improvements existing thereon at the time of the eviction.

Such statues exist in Kentucky and other western States, have universally been decided to be constitutional, and originated from the uncertainty and conflict in titles.

Very respectfully, your obedient servant,

S. C. HASTINGS,
Attorney General.

[Document No. 75.]

IN THE SENATE.] [SESSION OF 1853.

REPORT

OF THE

COMMITTEE ON PUBLIC EXPENDITURES.

[GEORGE KERR, STATE PRINTER.

REPORT

OF THE

COMMITTEE ON PUBLIC EXPENDITURES.

Report from the Committee on Public Expenditures, to whom was referred the bill to be entitled an Act recommending to the Electors to vote for or against a Convention to revise and change the entire Constitution of this State.

MR. PRESIDENT:

Your committee, to whom was referred the bill recommending to the people of the State to vote for or against a Convention to revise and change the entire Constitution of the State, would respectfully report,

That they have had the same under consideration, and cordially recommend its passage with the following amendments, viz: at the close of section 2, add the words, "to be by him communicated in his annual message to the next Legislature to be convened in this State:" and strike out section 3 entirely.

Your committee know of no means by which they can make a conclusive estimate of the expenses which it may be necessary to incur for the purpose of carrying out the objects contemplated in the bill under consideration, except by presuming what pay might be allowed by the next Legislature—supposing that the people should decide in favor of a Convention and the length of the session. As at present constituted, the Legislature is composed of ninety members—twenty-seven in the Senate and sixty-three in the Assembly—and the Constitution declares that the "Convention shall consist of a number of members not less than both branches of the Legislature." It is hardly probable that the session of the Convention would continue for a longer period than sixty days, and allowing the compensation to be ten dollars per day, the whole would amount to fifty-four thousand dollars for the per diem allowance of members. The other necessary expenses could hardly swell the whole amount to one hundred thousand dollars. Should the reforms contemplated be adopted, this sum would be saved to the State several times over every year, and the adoption of one proposition alone—that of changing the sessions of the Legislature from annual to biennial—would be an ample return for the *expenses* of a convention, besides giving greater stability to the laws, by rendering the opportunities for changing less frequent.

J. W. DENVER, Chairman

[Document No. 76.]

IN THE SENATE.] [SESSION OF 1853.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

[GEORGE KERR, STATE PRINTER.

COMMUNICATION

FROM THE

ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE,
San Francisco, March 11, 1853.

To the Hon. President of the Senate:

In answer to the resolution of the Senate of Feb. 25th, 1853, viz: "To what extent, under the Constitution, the Senate and Assembly may legislate by Joint Resolution, and whether in his opinion a Joint Resolution requires the approval of the Governor."

I submit the extract, hereto attached, from an opinion of the Hon. Delos Lake on this subject, which is so obviously correct that I do not hesitate to endorse it and adopt it as my opinion.

"The Constitution contemplates that the Legislature shall pass laws only by 'bill,' and that the enacting clause of every law shall be 'The People, &c., do enact as follows,' (Constitution of California, Art. 4, Secs. 1, 16, 17.) It is *only* '*laws*' of this kind, enacted by '*bill*,' which require the approval of the Governor—(Constitution, Art. 4, Sec. 17.)

"But a 'Joint Resolution' is not a *law*, nor can it, under the Constitution, have the force of a *law*. It may be a legal act; but if so, only because its scope is that appropriate to a Joint Resolution as distinguished from a '*law*.' A Joint Resolution is legal and effective only when it embraces matters which are exclusively whithin the province of the two houses, without any interference from the Executive. By "Joint Resolution" they

may manage their own funds, instruct their joint committees, go into convention, or dissolve one, instruct their Senators in Congress, and do similar acts: but they cannot act legislatively by "Joint Resolution," because the Constitution forbids it and provides that they shall so act by 'bill,' and it is only over their legislative acts that the Executive has any control.

"The Constitution of the United States, in Art. 1, Sec. 7, as well as the Constitution of Pennsylvania, and, perhaps, of some other States, expressly provides for the approval by the Executive of all concurrent orders, resolutions and votes, except on a question of adjournment, in the same manner as 'bills;' but our State Constitution, whilst providing for the approval of every bill enacted by our Legislature prior to its becoming a law, omits any and all mention of orders, resolutions and votes, thus clearly showing that its framers, did not contemplate the approval of the Executive as essential to their validity and effect.

S. C. HASTINGS.

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